# BENGAL LEGISLATIVE COUNCIL

PRESIDENT.

The Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.

DEPUTY PRESIDENT.

Mr. ABDUL HAMID CHOWDHURY, J.P.

PANEL OF CHAIRMEN.

1. Mr. KAMINI KUMAR DUTTA.
2. Mr. G. MORGAN, C.I.E.
3. Sir MD. AZIZUL HAQUE, Khan Bahadur, K.C.S.I., C.I.E.
4. Mrs. LABANYAPROBHA DUTT.

SECRETARY TO THE COUNCIL.

Dr. S. K. D. GUPTA, M.A. (Cantab.), LL.M. (Cantab.), LL.D. (Dublin), BARRISTER-AT-LAW.

ASSISTANT SECRETARY TO THE COUNCIL.

Mr. S. A. E. HUSSAIN, B.L., Advocate.

REGISTRAR TO THE COUNCIL DEPARTMENT.

Mr. T. M. PAUL, B.L.

## GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Sir JOHN BURROWS, G.C.I.E.

MEMBERS OF THE COUNCIL OF MINISTERS.

(1) The Hon'ble Mr. HUSEYN SHAHEED SUHRAWARDY, in charge of the Chief Minister's Department and of the Home Department.

(2) The Hon'ble Mr. MOHAMMED ALI, in charge of the Finance Department and of the Department of Health and Local Self-Government.

(3) The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN, in charge of the Education Department.

(4) The Hon'ble Mr. AHMED HOSSAIN, in charge of the Department of Agriculture, Forests and Fisheries.

(5) The Hon'ble Mr. NAGENDRA NARAYAN ROY, in charge of the Judicial and Legislative Departments.

(6) The Hon'ble Mr. ABDUL GOFRAN, in charge of the Department of Civil Supplies.

(7) The Hon'ble Mr. ABUL FAZAL MOHAMMAD ABDUR RAHMAN, in charge of the Department of Co-operation, Credit and Relief.

(8) The Hon'ble Mr. SHAMSUDDIN AHMED, in charge of the Department of Commerce, Labour and Industries.

(9) The Hon'ble Mr. TARAK NATH MUKHERJEA, M.B.E., C.I.E., in charge of the Department of Irrigation and Waterways.

(10) The Hon'ble Mr. FAZLUR RAHMAN, in charge of the Department of Land and Land Revenue and of the Jails Branch of the Home Department.

The Hon'ble Mr. DWARAKANATH BAROOI, in charge of the Department of Works and Buildings.

First Session, 1947—No. 1.

# Official Report

# Bengal Legislative Council Debates

## Monday, the 3rd February, 1947

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# BENGAL LEGISLATIVE COUNCIL

## ALPHABETICAL LIST OF MEMBERS.

### A

1. Abdulla-al-Mahmud, Mr. [Bengal Legislative Assembly.]
2. Ahmed, Mr. Nur. [Chittagong Muhammadan (Rural).]
3. Ahmed, Mr. Sultanuddin. [Dacca North-West Muhammadan (Rural).]

### B

4. Badrudduja, Mr. Syed. [Bengal Legislative Assembly.]
5. Barua, Rai Bahadur Dhirendra Lal. [Chosen by the Governor.]
6. Bhuiya, Mr. Reajuddin. [Dacca South-East Muhammadan (Rural).]
7. Bourne, Mr. L. P. S. [Bengal Legislative Assembly.]

### C

8. Chowdhury, Khan Bahadur Syed Abdur Rasid. [Tippera Muhammadan (Rural).]
9. Chowdhury, Mr. Moazzem Hossein. [Faridpur Muhammadan (Rural).]
10. Chowdhury, Mr. Hamidul Huq. [Bengal Legislative Assembly.]
11. *Chowdhury, Mr. Abdul Hamid, J.P. [Mymensingh West Muhammadan (Rural).]
12. Chowdhury, Khan Bahadur Abdul Latif. [Bengal Legislative Assembly.]
13. Chowdhury, Mr. Syed Fazle Rabbi. [Bakarganj Muhammadan (Rural).]
14. Chowdhury, Mr. Yusuf Ali. [Bengal Legislative Assembly.]
15. Clarke, Mr. C. E. [Bengal Legislative Assembly.]
16. Cohen, Mr. D. J., O.B.E. [Chosen by the Governor.]

### D

17. Das, Mr. Lalit Chandra. [Chittagong Division General (Rural).]
18. Das, Mr. Hemendra Kumar. [Dacca Division North General (Rural).]
19. Datta, Mr. Bankim Chandra. [Bengal Legislative Assembly.]
20. Doyne, Mr. Eric Dermot. [European.]
21. Dutt, Mrs. Labanyaprobha. [Chosen by the Governor.]
22. Dutta, Mr. Kamini Kumar. [Bengal Legislative Assembly.]

### E

23. Ellahi, Khan Bahadur Sheikh Fazal. [Presidency Division South Muhammadan (Rural).]

### G

24. Gofran, The Hon'ble Mr. Abdul. [Noakhali Muhammadan (Rural).]

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*Deputy President of the Bengal Legislative Council.

H

25. Haque, Khan Bahadur A. M. Shahoodul. [Bengal Legislative Assembly.]
26. Haque, Sir Md. Azizul, K.C.S.I., C.I.E., Khan Bahadur. [Presidency Division North Muhammadan (Rural).]
27. Hook, Mr. Gerald Joseph Keeman. [European.]
28. Hosain, The Hon'ble Mr. Saiyed Muazzamuddin. [Bengal Legislative Assembly.]
29. Hossain, Mr. Latafat. [Chosen by the Governor.]

J

30. Jaipuria, Mr. Mungturam. [Bengal Legislative Assembly.]
31. Jan, Alhadj Khan Bahadur Shaikh Muhammad. [Bengal Legislative Assembly.]
32. Jana, Mr. Satish Chandra. [Burdwan Division South-West General (Rural).]

K

33. Kabir, Mr. Humayun Z. A. [Bengal Legislative Assembly.]
34. Khan, Alhaj Yar Ali. [Bengal Legislative Assembly.]
35. Khan, Khan Sahib Mobarak Ali. [Rajshahi-*cum*-Malda Muhammadan (Rural).]

L

36. Latif, Mr. Abdul. [Rangpur Muhammadan (Rural).]

M

37. Maitra, Rai Bahadur Brojendra Mohan. [Rajshahi Division South-East General (Rural).]
38. Majid, Mr. Syed Abdul. [Bengal Legislative Assembly.]
39. Mazumdar, Mr. Haridas. [Bengal Legislative Assembly.]
40. Moholanabish, Mr. Nagendra Nath. [Rajshahi Division North-West General (Rural).]
41. Morgan, Mr. George, C.I.E. [European.]
42. Mukherjea, Mr. Tarak Nath, M.B.E., C.I.E. [Bengal Legislative Assembly.]

N

43. Nahar, Mr. Bijoy Singh. [Calcutta General (Urban).]
44. Nimmo, Mr. T. B. [Bengal Legislative Assembly.]

P

45. Pathan, Khan Bahadur Ghyashuddin. [Mymensingh Muhammadan (Rural).]

R

46. Rahman, Khan Bahadur Mukhlesur. [Rajshahi Division North Muhammadan (Rural).]
47. Rashid, Mr. Abdul. [Burdwan Division Muhammadan (Rural).]
48. Ray, Rai Bahadur Jogendra Nath. [Burdwan Division North-East General (Rural).]

49. Ray, Dr. Kumud Sankar. [Dacca Division South General (Rural).]
50. Roy, Mr. Amulyadhone. [Bengal Legislative Assembly.]
51. Roy, Mr. Biren. [Calcutta Suburbs General (Urban).]
52. Roy, Mr. Biswanath. [Presidency Division General (Rural).]
53. Roy, Mr. Patiram. [Bengal Legislative Assembly.]
54. Roy Chowdhury, Mr. Birendra Kishore. [Bengal Legislative Assembly.]
55. Robertson, Miss Ethel, C.S.P. [Chosen by the Governor.]

S

56. Sanyal, Mr. Charu Chandra. [Bengal Legislative Assembly.]
57. Sen, Mr. Satish Chandra. [Chosen by the Governor.]
58. *Singh Roy, The Hon'ble Sir Bijoy Prasad, K.C.I.E. [Bengal Legislative Assembly.]

T

59. Talukdar, Dr. Kasiruddin. [Bogra-*cum*-Pabna Muhammadan (Rural.)]
60. Taufiq, Mr. Md. [Bengal Legislative Assembly.]

W

61. Wahiduzzaman, Khan Sahib Maulvi. [Bengal Legislative Assembly.]

Y

62. Yusuf, Haji Md. [Calcutta and Suburbs Muhammadan (Urban).]

*President of the Bengal Legislative Council.

# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947—No. 1.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 3rd February, 1947, at 2-15 p.m., being the first day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.), was in the Chair.

### Oath of Members.

**Mr. PRESIDENT:** Order, order. Honourable members who have not yet made or subscribed to their oath as required under section 67 of the Government of India Act, 1935, may do so now.

The following members took the oath:—

Mr. Eric Dermot Doyne, and

Mr. Gerald Joseph Keeman Hook.

### Obituary References.

**Mr. PRESIDENT:** Order, order. Honourable members of the Council, it is the melancholy duty of the Chair to refer to the demise of some of the illustrious sons of India and some *ex*-members of the Bengal Legislative Council since the House met last.

Pandit Madan Mohan Malaviya died at Benares at a ripe old age on the 10th November, 1946. He was thrice elected President of the Indian National Congress. A man of great erudition, his was a life dedicated to the service of his motherland. One of the greatest educationists he was the founder and life and soul of the Benares University. He was also for a long time a member of the United Provinces Legislative Council and of the Imperial Legislative Council. He took a great part in the debate on the Rowlatt Bill. Pandit Malaviya was a great leader of the Hindu Community. He was also associated with the Hindu Mahasabha movement. In his death India has lost one of her devoted sons and a great patriot.

Mr. Prasanna Deb Raikut, an *ex*-member of the old Bengal Legislative Council and an *ex*-Minister of Bengal, also died during the recess. Mr. Raikut came from an ancient and aristocratic family of North Bengal. He was a generous landlord and a sincere friend. He was a man of amiable disposition and widely respected in Bengal. We all mourn his loss.

Mr. Abdool Rezak Hajee Abdul Suttar who was a member of the Council of State and a member of the old Bengal Legislative Council also died. Mr. Abdool Rezak belonged to a respectable ancient Cutchi Muslim family of Bombay and was connected with various public and charitable organisations in Calcutta. He was one of the leading citizens of the city and was also associated with the Muslim Chamber of Commerce.

Mr. Jalaluddin Hashemy was a member of the old Legislative Council and was also returned to the Bengal Legislative Assembly in 1937 and was later elected as its Deputy Speaker. He was a member of the Calcutta Corporation for a long time. We all mourn his loss.

Nawabzada A. F. M. Abdul Ali also died. He was a member of the Bengal Provincial Civil Service and retired from it several years ago. He

was appointed to the post of Keeper of Imperial Records of the Government of India in 1921. He also officiated on different occasions as Librarian of the Imperial Library He was the Honorary Secretary to the Board of Trustee of the Indian Museum. He was also a member and Secretary of the Indian Historical Records. He was the first Indian President of the Calcutta Rotary Club.

Mr. D. C. Ghose who used to be the President of the Calcutta Improvement Trust Tribunal died on the 14th January last. He also served as a Commissioner of the Calcutta Corporation in the old regime and was a member of the old Legislative Council. He was long associated with the late Surendra Nath Banerjea.

May their souls rest in peace.

I would now request the honourable members to rise in their places as a mark of respect to the departed souls.

(Members rose in their places.)

Thank you. Now with the permission of the House I would convey the sympathy of the Legislative Council to the members of the bereaved families.

## QUESTIONS AND ANSWERS

### Muslim education in Bengal.

**1. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether any post-war scheme for rapid spread of education of all kinds among the Muslims of Bengal has been prepared or is being prepared by the Government to be put in operation after the war?

(*b*) Do the Government of Bengal propose to create a special fund of Rs.25 lakhs for encouragement of Muslim education in Bengal as recommended in the resolution unanimously passed on the 11th August, 1938, in the Bengal Legislative Council?

(*c*) If not, why not?

(*d*) What special measures have been taken by the Government for the rapid spread of education among Muslim girls in Bengal?

**MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Saiyed Muazzamuddin Hosain):** (*a*) Yes.

(*b*) Government has decided to make a special allotment of Rs.10 lakhs a year for advancement of Muslim education and has for the remaining months of the current year already alloted Rs.4,36,000.

(*c*) Does not arise.

(*d*) Special measures taken by Government for the spread of education among the Muslim girls—

(*i*) establishment of a first grade Arts College in Calcutta—Lady Brabourne College;

(*ii*) creation of 12 scholarships for students in classes V to X of the Sakhawat Memorial Girls' School, Calcutta;

(*iii*) creation of 28 scholarships (14 of Rs.6 and 14 of Rs.8 each a month tenable for two years) for the Muslim girls reading in classes VII to X of other Secondary Schools in Bengal;

(*iv*) creation of 4 scholarships of Rs.8 each a month tenable for four years (awarded on the results of the Junior Madrasah Examination);

(*v*) creation of two graduate scholarships of Rs.30 each per month tenable for two years;

(vi) creation of one graduate scholarship of Rs.30 per month tenable for one year at the Dacca University;

(vii) creation of three training stipends of Rs.30 each per month available for B.T. training;

(viii) special stipends are also awarded every year from the normal allotment of the Director of Public Instruction for the benefit of Muslim girls in educational institutions, madrasahs, schools, colleges and Universities;

(ix) out of the allotment of Rs.1,00,000 provided in the current year's Education budget for maintenance grants to madrasahs a sum of Rs.25,000 is being spent for aid to girls' madrasahs; and

(x) a sum of about Rs.25,000 is also annually spent for aid to madrasahs out of the normal allotment of the Director of Public Instruction for the purpose.

**Mr. BIJOY SINGH NAHAR:** Sir, I find that the question was to have been answered in 1944. May I know how many such questions remain unanswered and when they will be answered?

**Mr. PRESIDENT:** I do not think it is possible for the Hon'ble Minister to answer that question. That question might be put to the particular Ministers concerned. In any case, I shall try to find out from the Council Department how many questions are still pending to be answered.

**Sir MUHAMMAD AZIZUL HAQUE, Khan Bahadur:** Will the Hon'ble Minister please state why this question remained unanswered for such a long time?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Evidently it was overlooked.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister be pleased to state whether there has been any special allotment of funds for the advancement of education of the members of the other communities?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** For the Scheduled Castes an additional grant of Rs. 5 lakhs is going to be allotted this year.

**Mr. LALIT CHANDRA DAS:** For other communities, such as Hindus, etc.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** For Buddhists and Anglo-Indians we have allotted some funds.

**Mr. LALIT CHANDRA DAS:** May we know why the Hindus have been left out?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** These communities are supposed to be backward in education and for their educational advancement special grants have been provided for.

### Supply of more petrol to the bus owners in Comilla.

2. **Mr. LALIT CHANDRA DAS:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether quite as many buses as are plying between Comilla and Companyganj (20 miles), between Comilla and Daudkandi (30 miles), and between Comilla and Laksam (16 miles) are lying idle at Comilla for want of petrol?

(b) Is it a fact that between all these stations, there is a huge concourse of travelling public many of whom have to return disappointed every day for want of even standing accommodation, not to speak of sitting accommodation?

(c) Will Government consider the desirability of issuing more permits or licences to bus owners and arrange to supply them with required petrol to run them in addition to those buses which are now running to remove a long-felt want of the public, particularly in view of the fact that there is no railway communication in the direction of Comilla-Companyganj or Comilla-Daudkandi?

**MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy):** (a) There are three routes, viz., Comilla-Daudkandi, Comilla-Companyganj, Comilla-Laksam. On the first route 16 trips per day are made by 16 out of 25 buses. On the second route 9 trips per day are made by 9 out of 16 buses. The service on the Laksam route has been discontinued owing to the increase in the number of train services. No increase in the number of trips is considered necessary at present and it is not a fact that any buses on these routes are lying idle for want of petrol.

(b) No. The number of trips and the accommodation in buses have been increased to cope adequately with the existing traffic.

(c) The power to issue permits is vested in the local Regional Transport Authority and not the Provincial Government. The Regional Transport Authority have reported that the position will be reviewed sympathetically from time to time. The District Authorities are authorised to issue petrol to stage carriages according to the actual demand.

### Security prisoner, Mr. Tarakeswar Prasad Sinha.

3. **Rai Bahadur BROJENDRA MOHAN MAITRA (on behalf of Mr. Humayun Kabir):** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state if Tarakeswar Prasad Sinha, a security prisoner in the Dum Dum Central Jail, was a student of Jadabpur Engineering College at the time of his arrest?

(b) Is it a fact that on the 10th September, 1944, he applied to the Government for permission to qualify as an engineer through a postal course offered by the British Institute of Engineer and Technology (London)?

(c) Are the Government prepared to grant him permission for undertaking the course and to help him with necessary fees for the purpose?

**The Hon'ble Mr. H. S. SUHRAWARDY:** (a) Babu Tarakeswar Prasad Sinha was released from the Bhagalpur Central Jail on 27th December, 1945, on transfer from Bengal. I have no information that he was a student of Jadavpur Engineering College at the time of his arrest beyond his own assertion in a petition.

(b) No.

(c) Does not arise.

### Internment of Sj. Chittaranjan Das of Dacca.

4. **Rai Bahadur BROJENDRA MOHAN MAITRA (on behalf of Mr. Humayun Kabir):** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state if he is aware that Sj. Chittaranjan Das of village Champakdi, post office Ichapur, in police-station Serajdigha in Dacca, has been home interned in his village?

(b) Is he aware that the said Sj. Chittaranjan Das was a student of the B.Sc. class in the City College at the time of his restriction?

(c) Is he aware that he has applied to the Registrar, Calcutta University, through the District Magistrate for permission to appear at the B.A. Examination this year?

(d) Is he aware that the said internee's application has not been forwarded by the District Magistrate in spite of repeated reminders?

(e) Is he aware that the said internee has been allowed no allowance or grant for his maintenance or education?

**The Hon'ble Mr. H. S. SUHRAWARDY:** (a) The order of restriction on this person was cancelled on 11th October, 1945.

(b) to (e) Do not arise.

### Detention of Mr. Haripada Das as a security prisoner.

5. **Rai Bahadur BROJENDRA MOHAN MAITRA (on behalf of Mr. Humayun Kabir):** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state if he is aware that Mr. Haripada Das of Madaripur is now detained as a security prisoner in the Rajshahi Jail?

(b) Is he aware that the said Mr. Das maintained his family before his detention?

(c) Is he aware that there are five members in the said Mr. Das's family?

(d) Will he please state the amount of allowance sanctioned for maintenance of his family after his arrest?

(e) Have the Government sanctioned any increase in his allowance to neutralise the increase in cost of living?

**The Hon'ble Mr. H. S. SUHRAWARDY:** (a) He has been released.

(b) to (e) Do not arise.

### Security prisoner, Mr. Nirmal Sen of Dacca.

6. **Rai Bahadur BROJENDRA MOHAN MAITRA (on behalf of Mr. Humayun Kabir):** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state if he is aware that Mr. Nirmal Sen of Dacca is detained as a security prisoner in the Buxa Special Jail?

(b) Is it a fact that Mr. Sen is a suspected T.B. patient?

(c) What arrangements have the Government made for his treatment?

**The Hon'ble Mr. H. S. SUHRAWARDY:** (a) He has been released.

(b) and (c) Do not arise.

### Admission of sick destitutes to the different hospitals in Calcutta.

7. **Mr. HARIDAS MAJUMDAR (on behalf of Rai Bahadur Jogendra Nath Ray):** Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state—

(a) the number of admissions of sick destitutes to the different hospitals of Calcutta, since December, 1944, giving the number separately month by month; and

(b) how many of them died in the hospitals, and how many of them were discharged?

**Mr. ABDUL RASHID:** May I answer the question on behalf of the Hon'ble Minister in charge?

**Mr. SULTANUDDIN AHMED:** Sir, is it the practice that the Parliamentary Secretary may answer the questions when the Hon'ble Minister is himself present?

**Mr. PRESIDENT:** It is better that the Hon'ble Minister himself should as far as possible answer the questions.

**Mr. HAMIDUL HUQ CHOWDHURY:** To be more courteous to the House he should do so.

**MINISTER in charge of the DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT (the Hon'ble Mr. Mohammed Ali):** (*a*) and (*b*) A statement furnishing the necessary figures from December, 1944, to August, 1946, is laid on the Table.

*Statement referred to in reply to question No. 7 showing the number of admissions, discharges and deaths of "Sick destitutes" in the A. G (Ex-F.R.E.) Hospitals of Calcutta during December, 1944, to August 1946.*

| Year. | Month. | Admissions. | Discharges. | Deaths. |
|---|---|---|---|---|
| 1944 | December | 476 | 329 | 222 |
| 1945 | January | 331 | 279 | 150 |
| | February | 254 | 284 | 97 |
| | March | 279 | 230 | 115 |
| | April | 167 | 105 | 82 |
| | May | 82 | 62 | 43 |
| | June | 106 | 40 | 48 |
| | July | 122 | 42 | 62 |
| | August | 152 | 54 | 51 |
| | September | 159 | 109 | 68 |
| | October | 150 | 77 | 64 |
| | November | 129 | 74 | 61 |
| | December | 126 | 46 | 63 |
| 1946 | January | 213 | 69 | 59 |
| | February | 120 | 73 | 47 |
| | March | 127 | 94 | 47 |
| | April | 113 | 68 | 34 |
| | May | 107 | 54 | 32 |
| | June | 146 | 70 | 58 |
| | July | 133 | 68 | 54 |
| | August | 90 | 47 | 52 |

**Promotion of Indian I.P. to the rank of Deputy Inspector-General.**

**8. Khan Bahadur GHYASUDDIN PATHAN:** Will the Hon'ble Minister in charge of the Chief Minister's Department be pleased to state—

(*a*) why no Indian I.P. is promoted to the rank of Deputy Inspector General; and

(*b*) whether there is any rule or order to the effect that every fifti appointment in the rank of Deputy Inspector-General will go t Indians?

**MINISTER in charge of the CHIEF MINISTER'S DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy):** (*a*) Indian I.P. officers are equally eligible for promotion to the rank of Deputy Inspector-General of Polic with European officers and have in fact been promoted.

(*b*) No.

**Khan Bahadur GYASUDDIN PATHAN:** May I know how many o the Indian officers have been promoted to the rank of Deputy Inspector General within the last 10 years?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I ask for notice. It is no a matter that I can possibly be aware of.

**Mr. HAMIDUL HUQ CHOWDHURY:** Is the Hon'ble Minister awar that, under the rules for recruitment to the I.P. service, the age, in th case of Indians, is fixed at between 22 and 24 years whereas in the case o Europeans the age is limited to 22 years. The result is that the India officers retire before they attain sufficient seniority to be promoted over th European officers and unless there is a change of policy by the Governmen there is no chance for some time to come for any Indian to get to the highe posts of Inspector-General or Deputy Inspector-General.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Instead of asking for information the honourable member is himself supplying me the information.

**Mr. PRESIDENT:** I do not think that question arises.

**Mr. HAMIDUL HUQ CHOWDHURY:** It arises in this way, Sir, that promotions are made according to seniority and my question is based on the fact that the Indian officers before they attain sufficient seniority are compelled to retire.

### Poundra-Kshattriya.

**9. Mr. PATIRAM ROY:** (*a*) Will the Hon'ble Minister in charge of the Chief Minister's Department be pleased to state whether he is aware—

(*i*) that the Government of Bengal accepted the name Poundra-Kshattriya in place of the caste-name "Pod" in the year 1938; and

(*ii*) that His Majesty's Government was requested subsequently by the Government of Bengal through the Government of India to substitute the term Poundra-Kshattriya for "Pod" in the Government of India (Scheduled Castes) Order, 1936?

(*b*) If the answer to part (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any information as to the amendment of the aforesaid Order has been obtained by the Government of Bengal from the Secretary of State for India?

(*c*) If not, will the Hon'ble Minister be pleased to state whether he is considering the desirability for moving again His Majesty's Government through the Government of India for the substitution of Poundra-Kshattriya for the name "Pod" in the Government of India (Scheduled Castes) Order, 1936?

**The Hon'ble Mr. H. S. SUHRAWARDY:** (*a*) (*i*) and (*ii*) Yes.

(*b*) No.

(*c*) This Government has already recommended to the Secretary of State through the Government of India that the name of the caste "Pod" in the Scheduled Castes Order should be changed to "Poundra-Kshattriya". The matter now rests entirely with the Secretary of State.

### Physical and military training for students of Bengal.

**10. Mr. SULTANUDDIN AHMED (on behalf of Mr. Nur Ahmed):** Will the Hon'ble Minister in charge of the Home Department be pleased to state whether any plan or scheme has been prepared by the Government of Bengal to impart physical and military training to the students of Bengal high schools and colleges and madrasahs and also to impart physical and military training to the Government officers of Bengal Government between ages 20 to 40 years for a period of one year or two? If not, why not?

**The Hon'ble Mr. H. S. SUHRAWARDY:** As regards schools and madrasahs, the answer is in the affirmative. It is hoped that improved physical education including elements of military training would be possible to impart in the improved type of secondary schools Government are attempting to set up as a post-war reconstruction measure. For college students, facilities have been provided by the Central Government for military training of a limited number through the U.O.T.C.

2. The Central Government have decided to start a National War Academy and there is a proposal to have feeder institutions attached to it in the Province. The Central Government are also considering the possibilities of establishing a National Cadet Corps for imparting military education in schools and colleges. The proposals are under consideration.

3. Government do not consider it necessary to impart physical training to their officers. Adequate facilities already exist for voluntary military training of Government officers in the A.I.R.O., Auxiliary and Territorial Forces, etc.

**Mr. SULTANUDDIN AHMED:** With reference to paragraph 2 of the reply, is the feeder institution to be a provincial institution or will it be managed by the Central Government?

**The Hon'ble Mr. H. S. SUHRAWARDY:** The proposal is under consideration, but I think, generally speaking, that it would be a provincial concern.

**Mr. BIJOY SINGH NAHAR:** Have the Provincial Government any scheme of their own for physical and military training for students of Bengal?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I am afraid up till now the Government has not applied its mind to it.

**Alleged molestation of a lady pedestrian on the 29th July, 1946, on Chowringhee Road.**

**11. Miss E. M. ROBERTSON:** Will the Hon'ble Minister in charge of the Home Department be pleased to state whether he is aware of the fact that on Monday, the 29th July, 1946, opposite No. 40, Chowringhee Road, certain hooligan element consisting of boys under 14 years of age molested a lady pedestrian walking along the road at 12-30 p.m.? If so, will he kindly take steps to eradicate this evil from the city, namely, the molestation of women on the streets of Calcutta by these hooligan boys?

**The Hon'ble Mr. H. S. SUHRAWARDY:** No such incident was reported to the local police or is known to have occurred. Any specific case brought to notice will be adequately dealt with.

**Mr. LALIT CHANDRA DAS:** What about the specific case mentioned by the questioner? Was this matter referred to the police for enquiry?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I regret that this case was not there specifically as it was not possible for us to contact the lady pedestrian unless we knew her name and address.

**Mr. LALIT CHANDRA DAS:** Was any attempt made to refer this matter to the police so that the police could contact the questioner and get the name of the lady pedestrian?

**The Hon'ble Mr. H. S. SUHRAWARDY:** No attempt was made.

**Mr. LALIT CHANDRA DAS:** Regrettable.

**Mr. HAMIDUL HUQ CHOWDHURY:** Was any attempt made to find out from the lady who put the question further facts about the lady pedestrian?

**The Hon'ble Mr. H. S. SUHRAWARDY:** As I have said, no attempts were made. Obviously, it is a general event and it has nothing to do with the lady in question. What Miss Robertson evidently asks for is what can be done so that molestation of people by the hooligan element may be stopped, and as far as that is concerned, I hope Government is now sufficiently able both psychologically and physically to cope with the situation.

**Shadowing of Mr. Humayun Kabir by the agents of the Intelligence Branch.**

**12. Mr. BIJOY SINGH NAHAR (on behalf of Mr. Syed Badrudduja):** (a) Will the Hon'ble Minister in charge of the Home Department be pleased

to state if he is aware that agents of the Intelligence Branch have been shadowing Mr. Humayun Kabir, a member of this House, since August, 1942?

(*b*) Will he please state whether these agents were appointed under orders of the Government of Bengal?

(*c*) (*i*) What reports, if any, have these agents submitted till now; and (*ii*) what action, if any, have the Government taken on such reports?

(*d*) If the reply to part (*c*)(*ii*) be in the negative, will the Hon'ble Minister please state why public money has been spent on these agents for so many years?

**The Hon'ble Mr. H. S. SUHRAWARDY:** (*a*) No.

(*b*) to (*d*) Do not arise.

### Police arrangement in Calcutta on the 16th August, 1946.

**13. Mr. PATIRAM ROY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that no police arrangement was made in Calcutta particularly in the wards 19 and 18 on the 16th August, 1946, the date declared as the "Direct Action Day" by the Muslim League;

(*ii*) that a great many shops in Calcutta were looted by the *goondas* on the very day; and

(*iii*) that no police help was available to the shopkeepers in spite of soliciting help from the local police-stations?

(*b*) If the answer to part (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

(*c*) Will the Hon'ble Minister be pleased to lay on the Table a copy of the "Duty Charts" of the police (officers and constables) of the police-stations Entally, Taltala, Beniapukur and Bartala in Calcutta, on the 16th and 17th August, 1946?

**The Hon'ble Mr. H. S. SUHRAWARDY:** (*a*)(*i*) No. It is not a fact. But the police arrangements were made on the 16th August.

(*ii*) Yes. Shops were looted on that day.

(*iii*) No. As far as possible within the ability of police such help was given.

(*b*) Does not arise.

(*c*) All police registers connected with Calcutta disturbances have been sent in original to the Enquiry Committee and therefore no chart of duty on these days could be given.

### Attack of Dr. M. N. Dey's house by the hooligans on the 16th August, 1946.

**14. Mr. PATIRAM ROY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that the house of Dr. M. N. Dey, a Professor of the Calcutta Medical College, was raided by hooligans with *lathis*, daggers, etc., on the 16th August, 1946;

(*ii*) that Dr. Dey informed the police officers of Lalbazar for saving the male and female members of his family and property as well from the hands of the ruffians; and

(*iii*) that no police help was given to Dr. Dey at that time?

(*b*) If the answer to part (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state who were the hooligans and why the police officers did not care to take steps in this matter?

(c) Did the Government communicate the orders to the police in Calcutta not to take steps whatsoever against the looting, robbery, theft, etc., on the 16th and 17th August, 1946?

**The Hon'ble Mr. H. S. SUHRAWARDY:** (a)(i) and (ii) It has been ascertained from Dr. Dey that on the 16th August, 1946, at about 1 p.m., a large mob attacked his house at P/32, Ganesh Chandra Avenue, and caused damage. Dr. Dey rang up Lalbazar.

(iii) On the 16th August, 1946, when the information came the force was all out in other areas. So no party could be sent at the time from Lalbazar.

(b) The identity of the hooligans is unknown, *vide* reply to (a)(iii) above.

(c) No.

### Communal riot in Calcutta on the 16th August, 1946.

**15. Mr. HARIDAS MAZUMDAR (on behalf of Rai Bahadur Jogendra Nath Ray):** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) cause or causes of the communal riot continuing on the 16th August, 1946;

(b) the number of (i) deaths, (ii) wounded persons, and (iii) houses burnt or looted, giving separately the number of Hindus and Muslims;

(c) the steps taken by the Government to bring the situation under control; and

(d) if he will make a general statement on the whole subject?

**The Hon'ble Mr. H. S. SUHRAWARDY:** (a) to (d) These matters have been referred to an Enquiry Commission appointed by the Government of Bengal, and Government do not consider that it would be proper to anticipate the findings of the Commission before its report is submitted.

### Strike of the staff of the Imperial Bank of India.

**16. Mr. NAGENDRA NATH MOHOLANABISH:** (a) Will the Hon'ble Minister in charge of the Finance Department be pleased to state if he is aware that all the branches of the Imperial Bank of India working in this Province have ceased to function owing to the strike of its staff?

(b) If so, have the Government taken any steps to provide facilities for the public to cash pay orders issued by the Government in all its departments upon the Imperial Bank branches?

(c) If not, do the Government propose to take immediate steps to provide such facilities?

**MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. MOHAMMED ALI):** (a) Yes; the strike has since been called off with effect from the 16th September, 1946.

(b) Arrangements were made for the carrying out of treasury functions in the banking treasuries as far as possible during the period of the strike.

(c) Does not arise.

### Recommendations of Mr. Kirby, Rationing Adviser to the Government of India, regarding balanced diet, milk scheme and midday feeding in schools, etc.

**17. Mr. SULTANUDDIN AHMED (on behalf of Mr. Nur Ahmed):** (a) Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state if the attention of Government of Bengal has been drawn to the recommendations of Mr. Kirby, the Rationing Adviser to Government of India, regarding vital importance of balanced

liet, industrial canteens, milk scheme, midday feeding of school children, pening of nutrition restaurants to display model food and to train people o prepare balanced food, food advice centres for disseminating knowledge bout balance food?

(b) If so, have the Government of Bengal taken any step so far to mplement any of these recommendations?

(c) If so, what are they?

(d) If not, why not?

**The Hon'ble Mr. MOHAMMED ALI:** (a) Yes.

(b) to (d) Government in the Health and Local Self-Government Department have already approved a Public Health Nutrition scheme, as a post-war development measure, which envisages the creation of a nutritional organisation at the Provincial Headquarters. Its function will mainly nclude periodical nutritional health survey, studying the composition of foods available in the Province, investigation into the problem of technology of foods with a view to better utilisation and conservation of nutritive factors of foods, arranging short course of training on dietaries, organising propaganda of food and nutrition, etc.

A scheme for setting up a model nutrition restaurant is under preparation in the Directorate of Rationing.

Government in the Education Department have got a tiffin scheme for boys and girls of aided high schools and senior madrasahs of Bengal (including Calcutta) with an annual provision of Rs.45,000. That Department also contributes towards a school-feeding scheme of the All-India Institution of Hygiene and Public Health for primary and secondary school children in the Singur Health Unit.

As regards industrial canteens, the policy of Government is to encourage the establishment of cooked food canteens at factories and for this purpose an allotment of rationed articles up to 50 per cent. of the normal allotment is sanctioned by the Rationing Directorate. As far as information is available, there are 283 canteens set up by factory authorities or other parties supplying meals or snacks and tea or both, which cater to 171,000 labourers and other persons daily.

Government have no milk scheme of their own but it is understood that several factories and such charitable institutions as the Indian Red Cross Society who are financed by the Government have made arrangements for supplying milk free or at concessional rates to certain classes of persons.

**Creation of the post of Additional Surgeon to the Calcutta Medical College.**

18. **Mr. CHARU CHANDRA SANYAL:** (a) Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state when and under what circumstances the post of Additional Surgeon to the Calcutta Medical College Hospital was created?

(b) How many B.M.S. and non-B.M.S. men were appointed to the post from 1936 to 1946? What was the tenure of service of each one of them?

(c) Was there any application from a senior B.M.S. or B.G.S. man with F.R.C.S. qualification for the post in 1941? Did he serve as Senior Surgeon in the Emergency Medical Service in the Medical College from 1941 to 1944? If so, what was the record of his service?

(d) Was any one outside B.M.S. appointed to the post between 1941 to 1944 in preference to the said F.R.C.S.? If so, what was the reason?

(e) Did the said F.R.C.S. send a memorial to His Excellency the Governor of Bengal in 1944? If so, what was the result?

**The Hon'ble Mr. MOHAMMED ALI:** (*a*) The post of Additional Sur geon, Medical College Hospital, Calcutta, was created in July, 1923, fo the proper and efficient working of that hospital.

(*b*) Two B.M.S. and one non-B.M.S. men were appointed to the post fron 1936 to 1946. Their tenure of service is shown below—

Dr. P. N. Roy, F.R.C.S. (ENG.), non-B.M.S., held the post for 5 year from 17th June, 1936, to 16th June, 1941.

Dr. M. Ameen, B.M.S., held the post from 17th June, 1941, to 8th Janu ary, 1942, and again from 17th November, 1944, to 23rd May 1945.

Dr. Tinkari Acharjee, B.M.S., has been appointed to act in the post sinc 22nd October, 1945.

During the intervening periods the work of the post was managed b internal arrangement.

(*c*) Yes. Dr. S. C. Sinha, F.R.C.S. (EDIN.), Professor of Anatomy, of th B.G.S. (formerly of B.M.S.), applied for the post in 1941. He served as Senior Surgeon in the Emergency Medical Service in the Medical Colleg Hospital, Calcutta. His work appears to have been satisfactory.

(*d*) None outside the B.M.S. was appointed to the post between 194 to 1944. Dr. M. Ameen, the then B.M.S. incumbent of the post, was depute for A.R.P. work for some time. But as he was permitted to retain a lie on the post of Additional Surgeon, Medical College Hospital, Calcutta, th work of the post during his absence was managed by the Second Honorar Additional Surgeon of the Medical College Hospital by way of interna arrangement.

(*e*) Yes. His Excellency considered the memorial and decided that th memorialist could be considered for appointment to a senior Surgical pos in the Medical College Hospital only after he had replenished his surgica skill by serving for a year as a teacher of surgery in a medical school.

**Mr. CHARU CHANDRA SANYAL:** From answer (*c*) it appears tha Dr. S. C. Sinha served as a Senoir Surgeon in the Emergency Medica Service in the Medical College Hospital, Calcutta, and it appears also fron answer (*e*) that he could be considered for appointment as such after he ha replenished his surgical skill, etc. But will the Hon'ble Minister be please to state whether serving as Senior Surgeon in the Emergency Medica Service was not sufficient qualification for this appointment and was it no sufficient to replenish his surgical skill?

**Mr. PRESIDENT:** That is asking for information.

**Mr. CHARU CHANDRA SANYAL:** Sir, it is a point for information Because the Hon'ble Minister has said in the answer that "He served as Senior Surgeon in the Emergency Medical Service in the Medical Colleg Hospital, Calcutta."

**The Hon'ble Mr. MOHAMMED ALI:** It was for a very short period.

**Mr. CHARU CHANDRA SANYAL:** Was it not sufficient fo replenishing his surgical skill?

**The Hon'ble Mr. MOHAMMED ALI:** That was not considere sufficient for the purpose of holding a high post in the Surgical Departmen in the Medical College, Calcutta. Moreover, he must also have teaching experience, because the Professor of Surgery is also Professor of Clinica Surgery and has to teach in the Medical College.

**Appointment of non-I.M.S. men to the post of Professor of Clinical Surgery in the Calcutta Medical College.**

**19. Mr. CHARU CHANDRA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state when and under what circumstances the post of Professor of Clinical Surgery in the Calcutta Medical College was made open to non-I.M.S. men?

(*b*) Was the post advertised and selection made through Selection Board or Public Service Commission?

(*c*) Was the post ever advertised for Muhammadans only?

(*d*) Does the post come under provision of Communal Ratio Rules?

(*e*) What was the report of the Public Service Commission on the merits of the Muhammadan applicants?

(*f*) Was the post again advertised for temporary appointment? If so, on what grounds?

(*g*) Why was not the present incumbent made permanent?

**The Hon'ble Mr. MOHAMMED ALI:** (*a*) and (*b*) Prior to 1927, both the posts of Professor of Surgery as well as of Professor of Clinical Surgery were reserved for I.M.S. officers. Since March, 1927, the latter post was dereserved, but I.M.S. officers continued to hold it till 31st March, 1931. The post was then filled up by non-I.M.S. officers after advertisement, on the recommendation of Selection Committees appointed from time to time until the constitution of the Provincial Public Service Commission. Under the I.M.S. (Civil) (Reserved Posts) Rules, 1939, which superseded all previous orders on the subject, one of the two posts of Professor of Surgery and Professor of Clinical Surgery, Medical College, Calcutta, was reserved for I.M.S. officers. Since then the post of Professor of Surgery was being held by I.M.S. officers and the other post filled by non-I.M.S. officers who are appointed on the recommendation of the Public Service Commission after advertisement.

(*c*) When a vacancy occurred in 1943 which was to be filled up on a temporary basis, it was reserved for Muslims and advertised through Public Service Commission.

(*d*) Yes.

(*e*) The Public Service Commission did not consider any of the applicants suitable for the post.

(*f*) Yes, in accordance with the principle of the Communal Ratio Rules the post was thrown open to candidates of all communities.

(*g*) The post was filled up only temporarily during the war. The candidate selected for temporary appointment cannot be considered for permanent appointment except after readvertisement for a permanent vacancy with due regard to the Communal Ratio Rules.

**Kala-azar in Bengal.**

**20. Mr. CHARU CHANDRA SANYAL:** Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state—

(*a*) the daily average number of kala-azar patients attending the outdoor of Calcutta School of Tropical Medicine in 1944 and in 1946;

(*b*) if it is a fact that most of the cases came from Entally and Tiljala areas within Calcutta;

(*c*) if it is a fact that kala-azar is rapidly spreading in the districts of Murshidabad, Dinajpur, Rangpur, Mymensingh, Faridpur and Bakarganj reaching an alarming figure in 1945-46;

(*d*) if any expert was sent to the affected areas for investigation; if so what was the report; and

(*e*) what steps the Government are taking to prevent and check the progress of kala-azar in Bengal?

**The Hon'ble Mr. MOHAMMED ALI:** (*a*) 1944—47.

1946 (up till 15th August 1946)—122.

(*b*) Most cases come from Entally, Tiljala, Taltolla, Wellesley Street and Ripon Street areas.

(*c*) Figures of mortality show some, though not alarming, increase in the number of deaths from kala-azar in all the districts mentioned except Faridpur since 1941. In Faridpur the position has been more or less stationary.

(*d*) Surveys to investigate the incidence of kala-azar were conducted in several districts including Faridpur among the districts mentioned. The survey in Faridpur revealed that the incidence was stationary.

(*e*) Besides the usual grant of Rs.1,20,000 for maintenance of kala-azar treatment centres and supply of kala-azar specifics, an additional sum of Rs.20,000 was spent for purchase of specifics and their distribution to different District Boards in 1945-46.

Three hundred and five Mobile Medical Units, 120 Government-aided Medical Units and all the Auxiliary Government Hospitals, Government and District Board hospitals and dispensaries are now providing treatment for kala-azar cases.

**Mr. BIJOY SINGH NAHAR:** Are the Government taking any particular step in the Entally, Tiljala areas where kala-azar is most prevalent?

**The Hon'ble Mr. MOHAMMED ALI:** Yes, Sir.

**Mr. BIJOY SINGH NAHAR:** May we know what steps he proposes to take or are taking to combat kala-azar?

**The Hon'ble Mr. MOHAMMED ALI:** By opening up of treatment centres and distribution of specifics and inducing the sufferers to come to the treatment centres and get *urea stibamine* injected.

**Mr. BIJOY SINGH NAHAR:** Has any centre been opened?

**The Hon'ble Mr. MOHAMMED ALI:** The centres are located in the adjacent hospitals.

**Mr. NAGENDRA NATH MOHOLANABISH:** In spite of the action taken by the Government to fight this disease, it appears that, except in Faridpur, the incidence of mortality is increasing. Have the Government considered any further action necessary to eradicate this disease from the moffusil or to fight this menace in any substantial manner?

**The Hon'ble Mr. MOHAMMED ALI:** Yes, Sir. The honourable member may perhaps be aware that Government have now auxiliary Government hospitals distributed throughout the province and since the reopening of these hospitals, I mean re-conversions from F. R. E. hospitals the situation has considerably improved and these hospitals are now in a better position to tackle Kala-azar.

**Mr. NAGENDRA NATH MOHOLANABISH:** These mobile units are there for some years and from all that the Government have done it does not appear to have made any impression upon the prevalence of this disease. I would like to know whether the Government are devising some other means, some more effective means, to fight this disease.

**The Hon'ble Mr. MOHAMMED ALI:** Yes, Sir. These Auxiliary Government Hospitals and the mobile units working in conjunction with those hospitals will be able to cope with the situation better than what the mobile units have been doing hitherto.

**Repairing of the road from Satkhira to Itindaghat.**

**21. Mr. PATIRAM ROY:** (*a*) Will the Hon'ble Minister in charge of he Department of Health and Local Self-Government be pleased to state whether he is aware—

(*i*) that the road from Satkhira to Itindaghat (24-Parganas) is very important for the people of Khulna and 24-Parganas;

(*ii*) that the above road is the only way to Calcutta for a large number of people of Satkhira and Basirhat subdivisions;

(*iii*) that the road has been damaged in the rain and that all the communications have fully been stopped; and

(*iv*) that a considerable number of passengers of both sexes undergo much hardship?

(*b*) If the answer to part (*a*) is in the affirmative, is the Hon'ble Minister onsidering the desirability of taking immediate steps for repairing the road?

(*c*) Is the Hon'ble Minister aware of the fact that the District Board of Khulna is taking no step whatsoever for repairing the road?

(*d*) Is it a fact that the heavy buses allowed for plying on the road for ast few months have caused the damages?

**The Hon'ble Mr. MOHAMMED ALI:** (*a*) (*i*) and (*iv*) Yes.

(*ii*) No. There is another fair weather road to Calcutta *via* Navaran for he people of the Satkhira subdivision.

(*iii*) The road has been damaged but the communication has never been ully stopped.

(*b*) Government intend to improve this road, which has been included in he first five-year plan of Works and Buildings Department for improvement f communications throughout the Province.

(*c*) The Board has spent about two and a half times its normal pre-war rant for the road, i.e., Rs.17,858 per year on the average during these two ears, against Rs.7,541 per year in pre-war time.

(*d*) Yes, to a large extent.

**Education of Muslims in Bengal.**

**22. Khan Bahadur A. M. SAHOODUL HAQUE (on behalf of Mr. Nur hmed):** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the Muslim education n Bengal has received a serious setback during the war emergency of the World War II and Bengal famine of 1943 and the number of Muslim students n all classes of educational institutions has been considerably decreased?

(*b*) What was the percentage of number of Muslim pupils in 1945 in engal in all classes and all sorts of educational institutions, namely, primary, econdary, collegiate, University, technical, professional, medical, art and ommercial, and what was the percentage of decrease of Muslim pupils in hese institutions in 1945?

(*c*) What special measures are being taken to make up the deficiency in Muslim education in Bengal and to establish a Muslim University as recommended by the Madrasah Education Committee in their report of 1941?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** (*a*) It is difficult o say to what extent Muslim education in Bengal received a setback due to the ar and the famine. There has been a decrease of students in certain classes f institutions but in others there has been an increase.

(*b*) A statement furnishing the figures is laid on the Table.

(*c*) A special fund of Rs.10 lakhs (including Rs.36,000 for Medical) has een created for the improvement of Muslim education and every attempt is eing made to establish a Muslim University.

*Statement referred to in reply to question No. 22.*

| | 1940-41. | | 1944-45. | | |
|---|---|---|---|---|---|
| | Number of Muslim pupils. | Percentage. | Number of Muslim pupils. | Percentage. | |
| In Primary stage .. | 1,763,096 | 54·9 | 1,665,792 | 54·5 | −97,304 |
| In Middle stage .. | 56,876 | 30·1 | 74,642 | 31·9 | .. |
| In High stage .. | 50,433 | 25·3 | 66,691 | 26·0 | .. |
| In Arts Colleges (including Universities). | 7,676 | 20·7 | 7,084 | 19·3 | −592 |
| In Professional Colleges (including Medical Colleges). | 815 | 12·2 | 976 | 15·4 | .. |
| In Technical Schools (including Industrial Schools). | 2,392 | 26·4 | 1,962 | 28·3 | .. |
| In Arts and Commerce Schools | 566 | 21·8 | 440 | 24·1 | .. |
| In other Special Schools .. | 139,016 | 77·6 | 134,193 | 74·9 | −4,823 |

**Experts from New Zealand to start dairy farms.**

**23. Mr. NAGENDRA NATH MOHOLANABISH:** (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state if experts from New Zealand were recently brought by the Government of Bengal with a view to start dairy farms in this Province?

(*b*) If so, are they still in the employment of the Government of Bengal?

(*c*) Have the Government started any dairy farm since the arrival of the experts?

(*d*) Do the Government intend to start dairy farms in the mufassal districts in the near future?

(*e*) What was the total amount spent over the New Zealand experts, including their travelling expenses, pay and allowances?

(*f*) What work, if any, have they done?

**MINISTER in charge of the DEPARTMENT of AGRICULTURE, FORESTS and FISHERIES (the Hon'ble Mr. Ahmed Hossain):** (*a*) Yes—to advise Government about the development of dairy and poultry in this Province. They arrived on the 5th September, 1944.

(*b*) Mr. Haddon, the Poultry Expert, left on the 9th June, 1945, Mr. Singleton, the Dairy Expert, on the 14th June, 1946, and Mr. Ballinger, the Animal Nutrition Expert, on the 13th October, 1946.

(*c*) A Central Livestock Research-*cum*-Breeding Station is being established. This scheme includes the establishment of a dairy farm complete with a dairy factory.

(*d*) No.

(*e*) Rs.1,10,790.

(*f*) During the 9 months Mr. Haddon had been in Bengal, he advised on the preparation of a programme of work relating to poultry to be carried out at the Central Livestock Research-*cum*-Breeding Station. He also helped in preparing a syllabus on poultry keeping for the degree course at the Bengal Agricultural Institute, Dacca. In addition to this, he gave a short course of practical instruction in poultry management to the staff and students of the Agricultural Institute.

In collaboration with other officers of the Directorate of Agriculture, Mr. Singleton carried out a survey of milk supply of Calcutta. He assisted in the preparation of a blue-print for the Central Breeding and Research Farm at Haringhatta in general, and for the dairy factory in particular, and placed orders for equipment from abroad. He was placed in charge of the Dairy Development scheme sanctioned with financial assistance from the Government of India.

Mr. Ballinger prepared a scheme in collaboration with other New Zealand experts in which it was recommended that the livestock improvement in Bengal should be implemented by the formation of an Animal Husbandry Section of the Department of Agriculture which would consist of extension, research and cattle breeding. The scheme was accepted by Government and the establishment of a breeding and research station at Haringhatta was approved as a part of the programme. He worked as Liaison Officer for the scheme among the various departments of Government concerned. He drew up plans for the cattle sheds, laboratory and general layout of the area and ordered for necessary equipment for the research station.

Mr. Ballinger formulated, in collaboration with his colleagues, the scheme for the Central Livestock Research-*cum*-Breeding Station at Haringhatta and, on the sanction of the scheme by Government, helped in drawing up a blue-print for the farm.

**Mr. NAGENDRA NATH MOHOLANABISH:** May I take it that at a cost of Rs. 1,10,790 we have got only a survey made by one officer, a scheme, and a plan by another and a blue print, by a third officer? Is that all that we have got for all this sum?

**The Hon'ble Mr. AHMED HOSSAIN:** The honourable member will find that in the answer; he will find that they did many other things besides. Mr. Haddon had prepared a syllabus and other things and gave lectures, etc., at Dacca. I need not say more about the others; they will all be found in the answer.

**Mr. NAGENDRA NATH MOHOLANABISH:** Well, save and except these lectures and schemes and plans, have we got anything tangible in Bengal for a sum of one lakh and odd?

**The Hon'ble Mr. AHMED HOSAIN:** I do not understand what the honourable member means by "tangible". We have got a Research-*cum*-Breeding Station at Haringhatta and a Dairy Development Scheme will be started very soon.

**Mr. NAGENDRA NATH MOHOLANABISH:** Are these officers still here?

**The Hon'ble Mr. AHMED HOSSAIN:** No. It is in the answer that they have already left.

**Mr. NAGENDRA NATH MOHOLANABISH:** Can we expect a drop of milk from the advice that we have got from these officers?

(No reply.)

**Fruit industries and fruit cultivation in Bengal.**

**24 Khan Bahadur A. M. SAHOODUL HAQUE (on behalf of Mr. Nur Ahmed):** (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state what special measures have been taken by the Government of Bengal to foster and help fruit industries and fruit cultviation in Bengal?

(*b*) If so, what are they?

(*c*) Do the Government of Bengal propose to set up a Fruit Development Board as recommended by the Fruit Advisory Committee?

(*d*) If not, why not?

**The Hon'ble Mr. AHMED HOSSAIN:** (*a*) and (*b*) The following schemes have been initiated by Government to foster fruit cultivation in Bengal:—

(1) Scheme for distribution of papaya seedlings;

(2) Scheme for distribution of pineapple suckers; and

(3) Scheme for distribution of banana suckers.

Bengal is a deficit area in fruit production. Until fruit cultivation is increased so as to produce a surplus over demand the question of development of fruit preservation industry on a large scale would not arise.

(*c*) A combined advisory board consisting of Bengal, Assam, Bihar and Orissa is proposed to be constituted with headquarters at Calcutta, and with 2 members from Bengal, one official of the Directorate of Agriculture representing Government and one non-official scientist representing consumers.

(*d*) Does not arise.

**Mr. BIJOY SINGH NAHAR:** Have these schemes begun working? Or are you still distributing seedlings?

**The Hon'ble Mr. AHMED HOSSAIN:** We have got a Horticultural Station at Krishnagar. Besides this distribution, we have had grafts of mangoes lichis, etc., distributed, and in the coming year we hope to make distribution of other grafts.

**Khan Bahadur GHYASUDDIN PATHAN:** Where and to whom has this distribution been made?

**The Hon'ble Mr. AHMED HOSSAIN:** Why, all over the province?

**Khan Bahadur GHYASUDDIN PATHAN:** Does it include the mofussil, I mean the villages?

**The Hon'ble Mr. AHMED HOSSAIN:** I think so.

**Khan Bahadur GHYASUDDIN PATHAN:** At least we are not aware of such a thing.

**Mr. HARIDAS MAZUMDAR:** With reference to answer (3)—"Until fruit cultivation is increased so as to produce a surplus over demand the question of development of fruit preservation industry on a large scale would not arise"—is the Hon'ble Minister aware that tomatoes are sometimes selling at Re. 1 per maund and sometimes Re. 1 per seer?

**The Hon'ble Mr. AHMED HOSSAIN:** That is why there is large scale schemes for fruit production. There are new private firms for the production of vegetables and fruits under Government supervision.

### Uncultivated tract of land near Ranaghat.

**25. Khan Bahadur GHYASUDDIN PATHAN:** Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state—

(*a*) whether he is aware that a vast tract of land covering an area of many miles on both sides of the Railway line beyond the Ranaghat station is lying uncultivated for a long time;

(*b*) why no steps have yet been taken to bring this land under cultivation; and

(*c*) whether there are any difficulties to bring this land under cultivation and, if so, what are the difficulties?

**The Hon'ble Mr. AHMED HOSSAIN:** (*a*) Yes.

(*b*) The Bengal and Assam Railway authorities have been requested to let out the lands under their control and as a result a large area of such lands has been settled.

(c) There are great difficulties in bringing these lands under cultivation. Nadia is a malaria-ridden district of decaying rivers and very extensive schemes of irrigation, drainage and malaria control are necessary to reclaim these lands permanently on a large scale.

**Khan Bahadur CHYASUDDIN PATHAN:** Has any attempt been made for settlement of the lands or to solve this difficulty?

**The Hon'ble Mr. AHMED HOSSAIN:** Sir, I would add for the information of the honourable member that until the land is resumed by Government no improvement can be started. So Government have in view a legislation for the resumption of these waste lands.

**Eradication of water-hyacinth nuisance in Bengal.**

**26. Khan Bahadur SYED ABDUR RASHID CHOWDHURY:** (a) Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state what steps the Government intend to take to eradicate the water-hyacinth nuisance in the Province?

(b) Have the Government any comprehensive scheme for the same? If so, will the Hon'ble Minister please give the detail thereof?

(c) What part of the scheme, if any, has been given effect to and with what result?

**The Hon'ble Mr. AHMED HOSSAIN:** (a) to (c) A comprehensive scheme for the control and eradication of water-hyacinth has been drawn up which is now under consideration of a Technical Committee appointed by Government. A copy of the scheme is placed in the Library. When the Committee's report is received Government will consider what can be done to deal with the problem.

**Mr. NAGENDRA NATH MOHOLANABISH:** May I enquire when this comprehensive scheme was prepared by the Government?

**The Hon'ble Mr. AHMED HOSSAIN:** I think a year ago along with all other schemes under the Development Committee. It is scheme No. 29 of the Blue Book.

**Mr. NAGENDRA NATH MOHOLANABISH:** Cannot the Hon'ble Minister be more definite—it is only a year ago?

**The Hon'ble Mr. AHMED HOSAIN:** I cannot say more definitely.

**Mr. LALIT CHANDRA DAS:** Was it under the consideration of another Committee?

**The Hon'ble Mr. AHMED HOSSAIN:** It was under the consideration of a technical committee under the Development Committee.

**Mr. LALIT CHANDRA DAS:** When was it appointed?

**The Hon'ble Mr. AHMED HOSSAIN:** It was a Standing Committee.

**Mr. LALIT CHANDRA DAS:** Has it finished its labour?

**The Hon'ble Mr. AHMED HOSSAIN:** Since then it is reported that the scheme is not feasible.

**Mr. LALIT CHANDRA DAS:** Then it means that all labour and money is wasted. Have you any other scheme for eradicating water-hyacinth.

(No answer.)

**Accumulation of water-hyacinth in the river and low lands.**

**27. Mr. NAGENDRA NATH MOHOLANABISH:** Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state—

(*a*) if the Government are aware of the huge loss of paddy crops every year due to the accumulation of water-hyacinth in the rivers and low lands; and

(*b*) if the Government have any scheme or plan to seriously combat the accumulation of water-hyacinth and to permanently eradicate the same from Bengal at an early date?

**The Hon'ble Mr. AHMED HOSSAIN:** (*a*) Yes.

(*b*) A comprehensive scheme for the control and, if possible, eradication of water-hyacinth has been drawn up and is now under the consideration of a Technical Committee appointed by Government.

**Mr. NAGENDRA NATH MOHOLANABISH:** The Hon'ble Minister has already answered with reference to question No. 26 and has repeated with reference to question 27 that it is under the consideration of a technical committee. Now I understood the Hon'ble Minister to say that that scheme has been found to be unworkable. If so, will he kindly tell us if the Government have any other scheme so far as eradication of water-hyacinth is concerned?

**The Hon'ble Mr. AHMED HOSSAIN:** Yes, Sir, the Government are examining the efficacy of the American drug. The herbal experiment is almost finished. In stagnant water it is particularly very successful and in running water it is still under examination.

**Mr. NAGENDRA NATH MOHOLANABISH:** Has any scheme been worked out or simply the experiment is going on?

**The Hon'ble Mr. AHMED HOSSAIN:** The scheme is under experiment.

**Khan Bahadur GHYASUDDIN PATHAN:** Who are making this experiment in India? Have any American experts been indented from America?

**The Hon'ble Mr. AHMED HOSSAIN:** The experiment is being done in the Directorate of Agriculture.

**Inconvenience to communication in East Bengal due to the accumulation of water-hyacinth.**

**28. Mr. NAGENDRA NATH MOHOLANABISH:** Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state—

(*a*) if the Government are aware of the serious inconvenience to communication in East Bengal due to the accumulation of water-hyacinth in the rivers and low lands; and

(*b*) if the Government have any scheme or plan to seriously combat the accumulation of water-hyacinth on communication lines and to permanently eradicate the same from Bengal at an early date?

**The Hon'ble Mr. AHMED HOSSAIN:** (*a*) Yes.

(*b*) Government are considering a scheme for the control and eradication of water-hyacinth.

**Jute Regulation Department.**

**29. Khan Bahadur SYED ABDUR RASHID CHOWDHURY:** Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state—

(*a*) whether the Jute Regulation Department has merged with the Agriculture Department permanently; and

(*b*) if not, what work they will be entrusted with after the jute season is over?

**The Hon'ble Mr. AHMED HOSSAIN:** (*a*) Jute Regulation Department has been organised as a section of the Directorate of Agriculture, but has not yet been made permanent.

(*b*) In the slack seasons, the staff is being utilised in furthering agricultural schemes, e.g., making of compost from rural refuse, distribution of vegetable seeds, raising of vegetable seedlings and distribution of agricultural implements. Some staff is also diverted to relief work in "affected" areas.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister be pleased to give us any idea as to the cost of this staff per year?

**The Hon'ble Mr. AHMED HOSSAIN:** I want notice.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister consider the desirability of saving money by retrenching this staff?

(No answer.)

**Theft in the food rationing godown at 11C, Canal Circular Road.**

**30. Mr. BIJOY SINCH NAHAR (on behalf of Mr. Syed Badrudduja):** (*a*) Will the Hon'ble Minister in charge of the Department of Civil Supplies be pleased to state whether it is a fact that bags of sugar were stolen from the food rationing godown at 11C, Canal Circular Road (Ultadanga area), Calcutta, between the 5th and the 8th August, 1946?

(*b*) If so, is the Hon'ble Minister considering the advisability of instituting an enquiry into the matter and taking steps against the recurrence of such thefts?

**The Hon'ble Mr. ABDUL GOFRAN:** (*a*) There is no godown at 11C, Canal Circular Road. On the 1st May, 1946, the godown bearing that number was re-numbered as 11H, (West) Canal Circular Road.

No incident of theft, shortage or discrepancy has been reported from this godown during the period mentioned. The physical stocks of the godown at 11H, (West) Canal Circular Road, were checked by Inspecting staff on the 7th August, 1946, and also on the 8th August, 1946, and do not reveal any discrepancy.

(*b*) Does not arise.

**Amelioration of the economic and social conditions of the Bengal peasantry and landless labourers.**

**31. Khan Bahadur A. M. SHAHOODUL HAQUE (on behalf of Mr. Nur Ahmed):** (*a*) Will the Hon'ble Minister in charge of the Department of Co-operation, Credit and Relief be pleased to state if it is a fact that as a result of the World War No. II and the Bengal Famine of 1943, the economic condition of the Bengal peasantry has widely and steadily deteriorated and has reached destitution in most cases in Bengal?

(*b*) Is it a fact that the number of landless labourers has enormously increased during the years 1943, 1944 and 1945 in Bengal, and widespread destitution prevails now among them?

(c) If so, what specific and ameliorative measures have been taken by the Government of Bengal to improve the economic and social conditions of Bengal peasantry and the landless labourers?

**The Hon'ble Mr. A. F. M. ABDUR RAHMAN:** (a) It is only those with small holdings that have been affected.

(b) Government have no accurate information in the matter and a survey has been undertaken. Generally speaking, the famine of 1943 affected the landless labourers very badly but subsequently many of them were employed in works connected with the war on high wages and even now the wages of agricultural labour are very high.

(c) Irrigation works, work centres and work houses, improvement of tanks under the Bengal Tank Improvement Act, restoration to small cultivators of land sold out by them, post-war unemployment relief works. Besides, all the development schemes of the Agriculture Department aim specifically at improving the economic condition of the peasantry.

## Adjournment Motion.

**Mr. NACENDRA NATH MOHOLANABISH:** Sir, I beg to move that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has arisen due to the terrible atrocities committed upon the Hindus in the districts of Noakhali and Tippera in October and November last when large number of Hindus, men, women and children, were brutally killed, their properties looted, houses burnt, women abducted, raped and forcibly married and thousands of them forcibly converted to Islam by well organised bands of Muslim hooligans under a premeditated plan and the failure of the Government to prevent or promptly check the same or to render timely assistance to the people affected and to make adequate provision for the protection and rehabilitation of the refugees who were rendered homeless and penniless by these disturbances.

**Mr. PRESIDENT:** Order, order. There were two Adjournment Motions, one in the name of Mr. Haridas Mazumdar and the other in the name of Mr. Nagendra Nath Moholanabish. The latter one being more comprehensive, I have given my consent to it. Now the motion to be moved by Mr. Nagendra Nath Moholanabish runs as follows:—

That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has arisen due to the terrible atrocities committed upon the Hindus in the districts of Noakhali and Tippera in October and November last when large number of Hindus, men, women and children, were brutally killed, their properties looted, houses burnt, women abducted, raped and forcibly married and thousands of them forcibly converted to Islam by well organised bands of Muslim hooligans under a premeditated plan and the failure of the Government to prevent or promptly check the same or to render timely assistance to the people affected and to make adequate provision for the protection and rehabilitation of the refugees who were rendered homeless and penniless by these disturbances.

Is there any objection?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, Sir.

**Mr. PRESIDENT:** Those who are in support of the motion will kindly rise in their seats?

(13 members stood in their seats.)

**Mr. PRESIDENT:** Leave has been granted. I direct that the motion be taken up for discussion on Thursday, the 6th February, at 2-15 p.m.

### Panel of Chairmen.

**Mr. PRESIDENT:** Under rule 6 of the Bengal Legislative Council Procedure Rules, I nominate—

(1) Mr. Kamini Kumar Dutta,

(2) Mr. George Morgan, C.I.E.,

(3) Dr. Muhammad Azizul Haque, and

(4) Mrs. Labanyaprobha Dutta,

on the Panel of Chairmen for the current session.

### House Committee.

**Mr. PRESIDENT:** Under rule 122 of the Bengal Legislative Council Procedure Rules, I nominate—

(1) Mr. Mohammed Taufiq,

(2) Mr. Haji Md. Yusuf,

(3) Mr. Biswanath Roy,

(4) Mr. Charles Edward Clarke,

(5) Mr. Nagendra Nath Moholanabish, and

(6) Miss Ethel Robertson, C.S.P.,

on the House Committee for the current session.

### Governor-General's Assent to Bills.

**Mr. PRESIDENT:** I have now to inform the honourable members that the following Bills which were passed by both Chambers of the Bengal Legislature have been assented to by His Excellency the Governor-General under the provisions of section 76(*1*) of the Government of India Act, 1935, namely:—

(1) The Bengal Special Tribunal (Continuance) Bill, 1946.

(2) The Calcutta Disturbances Commission of Enquiry Bill, 1946.

### Governor's Assent to Bills.

**Mr. PRESIDENT:** I have also to inform the honourable members that the following Bills which were passed by both Chambers of the Bengal Legislature have been assented to by His Excellency the Governor under the provisions of section 75 of the Government of India Act, 1935, namely:—

(1) The Bengal Finance (Extending) Bill, 1946.

(2) The Bengal Motor Spirit Sales Taxation (Amendment) Bill, 1946.

(3) The Murshidabad Bill, 1946.

(4) The Bengal Repealing and Amending Bill, 1946.

I am also to inform the honourable members that His Excellency the Governor has, under the provisions of section 75 of the Government of India Act, 1935, withheld his assent to the Bengal Destitute Persons (Repatriation and Relief) Bill, 1946, which was passed by both Chambers of the Bengal Legislature, for the reasons given in a communication addressed to the Secretary, Bengal Legislative Council, copies of which have been distributed to the honourable members.

## Laying of Ordinances.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to lay the following Ordinances before the House:—

The Bengal Jute Mills (Temporary Provision) Ordinance, 1946.

The Bengal Consumer Goods Control Ordinance, 1946.

The Noakhali and Tippera Emergency Harvesting Ordinance, 1946.

The Calcutta Rent Ordinance, 1946.

The Bengal Molasses Control Ordinance, 1946.

The Dacca Area Security Ordinance, 1946.

The Bengal Drugs Control Ordinance, 1946.

The Noakhali and Tippera Area Security Ordinance, 1946.

The Bengal Criminal Law Amendment Ordinance, 1947.

The Bengal Special Powers Ordinance, 1946.

The Bengal Special Powers Amendment Ordinance, 1947.

The Bengal Civic Guards and Collective Fines Continuance Ordinance, 1946.

The Bengal Special Powers (Amendment) Ordinance, 1946.

## Laying of Amendments to the Bengal Motor Vehicles Rules, 1940.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I have another business. I lay on the table also amendments to the Bengal Motor Vehicles Rules, 1940.

## The Calcutta Rent Bill, 1946.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Sir, I beg to present the report of the Select Committee on the Calcutta Rent Bill, 1946.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I beg to give notice that I shall move on the 11th February, 1947, that the Calcutta Rent Bill as reported by the Select Committee be taken into consideration and passed as settled in the Council.

**Mr. PRESIDENT:** Order, order. I would suggest that amendments to the motion to be moved by the Hon'ble Minister, namely, that the Calcutta Rent Bill be taken into consideration should be given notice of up to 3 p.m. on Friday, the 7th February.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Sir, perhaps these amendments will be only with regard to the clauses of the Bill?

**Mr. PRESIDENT:** No, with regard to the clauses of the Bill as well as with regard to the motion that the Bill be taken into consideration. I think, however, that longer period should be given for giving notice of amendments. In that case the Bill cannot be taken up on the 11th February. I would therefore request the Hon'ble Minister to suggest some other date.

**The Hon'ble Mr. FAZLUR RAHMAN:** Then let it be taken up on the 17th February.

**Mr. PRESIDENT:** All right. In that case amendments may be put in both with regard to the motion that the Bill be taken into consideration as well as with regard to the clauses of the Bill up to 3 p.m. on Thursday, the 13th February. That I hope gives ample time.

**The Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947.**

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, with your permission, I beg to introduce the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947, and also beg to give notice that I shall move, at short notice, on the 6th February, 1947, that the said Bill be taken into consideration and passed as settled in the Council.

**Mr. NAGENDRA NATH MOHOLANABISH:** Sir, you have already fixed 6th February for the discussion of the adjournment motion.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, it is a very formal thing and I do not think it will interfere with the adjournment motion.

**Mr. PRESIDENT:** Yes, I think so.

**Mr. NAGENDRA NATH MOHOLANABISH:** Then it is all right.

**Mr. PRESIDENT:** But, Mr. Rahman, there is some difficulty about moving your Bill on the 6th because there are two holidays intervening and so there will be no time for submitting amendments, although I presume the number of amendments will be very small.

**The Hon'ble Mr. FAZLUR RAHMAN:** I think, Sir, there will be none.

**Mr. PRESIDENT:** Why not take up the Bill on the 10th February?

**The Hon'ble Mr. FAZLUR RAHMAN:** Yes, Sir, it may be taken up on the 10th.

**Mr. PRESIDENT:** All right then let the Bill be taken up on the 10th February and let the amendments, if any, be submitted by 3 o'clock on the 6th February. Is that agreed to?

**The Hon'ble Mr. FAZLUR RAHMAN:** Yes, Sir.

**The Bengal Tenancy (Amendment) Bill, 1947.**

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I have got another Bill. With your permission I beg to introduce the Bengal Tenancy (Amendment) Bill, 1947, and also beg to give notice that I shall move at short notice on the 12th February, 1947, that the said Bill be taken into consideration and passed as settled in the Council.

**Mr. PRESIDENT:** As regards submission of amendments, what date do you suggest? 3 o'clock on 10th?

**The Hon'ble Mr. FAZLUR RAHAMAN:** Yes, Sir.

**Mr. PRESIDENT:** All right.

**The Bengal Undesirable Advertisements (Control) Bill, 1947.**

**The Hon'ble Mr. MOHAMMED ALI:** Sir, I beg to give notice that I shall introduce the Bengal Undesirable Advertisements (Control) Bill, 1947, which was published in the Calcutta Gazette on the 23rd January, 1947. I also give notice that I shall move that the Bill be taken nito consideration on the 24th February and I shall also move thereafter that the Bill as settled in Council be passed.

**Mr. PRESIDENT:** I suggest that amendments be put in by 3 o'clock on 15th February.

The House stands adjourned till 2-15 p.m. on Thursday, the 6th February, 1947.

## Adjournment.

The Council then adjourned till 2-15 p.m., on Thursday, the 6th February, 1947.

## Members absent.

The following members were absent from the meeting held on the 3rd February, 1947:—

(1) Mr. Abdulla-al-Mahmud,
(2) Mr. Nur Ahmed,
(3) Khan Bahadur Syed Abdur Rashid,
(4) Mr. Mungturam Jaipuria,
(5) Mr. Satish Chandra Jana,
(6) Mr. Humayun Z. A. Kabir,
(7) Alhaj Yar Ali Khan,
(8) Mr. Syed Abdul Majid,
(9) Mr. George Morgan, C.I.E.,
(10) Dr. Kumud Sankar Ray,
(11) Mr. Satish Chandra Sen, and
(12) Dr. Kasiruddin Talukdar.

BGP-4718-1878A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947—No. 2.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 6th February, 1947, at 2-15 p.m., being the 2nd day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

### Adjournment Motion.

**Mr. NAGENDRA NATH MOHOLANABISH:** Sir, I beg to move that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has arisen due to the terrible atrocities committed upon the Hindus in the districts of Noakhali and Tippera in October and November last when large numbers of Hindus, men, women and children, were brutally killed, their properties looted, houses burnt, women abducted, raped and forcibly married and thousands of them forcibly converted to Islam by well-organised bands of Muslim hooligans under a premeditated plan and the failure of the Government to prevent or promptly check the same or to render timely assistance to the people affected and to make adequate provision for the protection and rehabilitation of the refugees who were rendered homeless and penniless by these disturbances.

Sir, hardly could the people of Bengal recover from the shock of the terrible carnage in Calcutta in August last when news began to leak out that still more terrible and inhuman barbarities had been started against the helpless Hindus of numerous villages in the districts of Noakhali and Tippera in East Bengal by the Muslim hooligans. Preparations for the purpose were being made from early October by members of the Muslim League of the locality, supported by their comrades from outside. Meetings were held and leaflets were broadcast inciting the Muslims to crush the Hindus. This was known to the local police and Magistrates but no attention was paid to it and no steps were taken.

In Noakhali and Tippera the Hindus are in a hopeless minority of 15 to 20 per cent. living in isolated patches widely separated from each other and surrounded by overwhelming numbers of Muslims with whom they had no quarrel or dispute whatsoever. The two communities had been living here side by side in peace for centuries and the Hindus had done nothing to offend their neighbours, the Muslims. Still the Muslims inspired by their leaders of the League combined themselves to attack and annihilate them. The Hindus informed the Police and the Magistrates and asked for help and protection but none did take any notice of them. Whether it was a case of gross negligence on their part or passive connivance with the object of the hooligans or fear of the Muslim League Ministry, we need not pause to consider now, but the result was that during the second week of October, the Muslim hooligans started the attack on the Hindu families in an organised manner with a premeditated plan.

Bands of hundreds, and in some cases thousands, of Muslim hooligans armed with deadly weapons including firearms, raided the Hindu houses one after another, extorted money from them, set their houses on fire, looted everything that they could lay their hands upon, then killed them and finally forcibly converted the survivors to Islam, abducted, raped and forcibly married their women. No human being nor even brutes could conceive of

more horrible and cruel barbarities than that were conceived, planned and executed there in cold blood upon innocent and harmless men, women and children unprovoked, as was done in those villages. In many instances large sums of money were extorted as subscriptions for the Muslim League and having secured that on threat of murder and violence, they demanded the victims to embrace Islam and on refusal tortured and killed them and threw their bodies to the flames of their burning houses.

Abduction, rape and forcible marriages went on side by side and *mullahs*, as members of the party, were ready at hand to make the unfortunate victims recite the Kalma. Even those who by force were made to accept Islam were not spared; their houses were burnt and, lest they might revert to Hinduism later on, their women were married to some one or other of the hooligans or their relatives.

More heart-rending, cruel and barbarous atrocities and tyranny could not be perpetrated by even the worst criminals and fanatics under any civilised Government unless the Government connived at them. These were going on from day to day and week after week well over a month but nothing was done to protect the affected Hindus. While this was going on and information began to leak out to the outside world the Government of Bengal suppressed the news for days together and wanted to minimise the gravity of the situation. The Chief Minister after several days of silence arranged an aerial tour of the affected areas with His Excellency the Governor and after having a few hours of low flying in those areas publicly declared that the incidents were grossly exaggerated by the Hindu Press and though burning of houses was rather extensive the number of deaths was low in three figures. There was a deliberate attempt to ignore the fact of mass conversion, forcible marriages, abduction and rape. He did not care to get down or approach the miscreants, his brothers in faith, and comrades of the Muslim League, to utter a word of protest or threat of strong and immediate action but silently flew away leaving the miscreants to go on with their job as merrily as ever. No serious attempt to call in the armed police or military in sufficient numbers was made and no orders were passed to ruthlessly stop the atrocities. The Chief Minister by his acts and deeds, led the hooligans to believe that the government were behind them. The Chief Minister's belated statements did not show any real or strong and sincere condemnation of these inhuman atrocities, but reading in between the lines his earlier statements issued in this connection, one can readily perceive his ill-concealed satisfaction, covered by a thin layer of mild threats and protests. The whole Government machinery was practically at a standstill so far as maintenance of law and order in those parts of the country was concerned. The hooligans believed, and I have no doubt they fully knew, that the League Government would not interefere with them in their crusade against the Hindus. In fact the whole thing appears to have been planned by the League and executed by their leaders with the help of their fanatical followers and it was obviously foolish to expect the League Government to exert themselves for the protection of the unfortunate Hindus. For days together not a soul from the members of the Government or of the Muslim League or, for the matter of that, any high official cared to do anything to effectively stop these cruel barbarities and atrocities. It was about two weeks after that military were posted but they, it is said were incapable of contacting the miscreants for want of facilities of communication—though the hooligans could move from village to village and house to house and commit murder, arson, rape, abduction and all those atrocities unchecked and unhampered. About 10 days later Mr. Jinnah issued a statement with an explanation that he was awaiting fuller information so long. In this belated statement he, like Mr. Suhrawardy, complained of exaggeration by the Press, but did not suggest any strong or drastic measures, lest that might stop the atrocities too early.

It was only Mr. Shamsuddin Ahmed who had the frankness to admit in his statement that there was mass murder, arson, rape abduction and

forcible conversion, etc., but unfortunately he too did not or could not suggest effective measures to stop these atrocities.

The British had not then, nor have they even now, quitted India—I doubt if they will ever quit India, unless evicted by force or force of circumstances. These British people with their full resources, their Army, arms and ammunition, were looking on as the Purusha of the Sankhya, as on lookers totally unaffected and unconcerned, unwilling and unable to interefere and to let themselves be involved because of their high principle. There was no sincere protest or even righteous indignation at these atrocities ever expressed by the leaders of the British community here, far less any organised attempt to volunteer to protect these helpless Hindus from such brutal massacre, tyranny and oppression. Are these people all cowards? Are these people so callous and uncultured as not to be roused to their sense of duty to their fellowmen by these horrible atrocities on a hapless and helpless minority community. The answer is: No. Why then did they not raise their voice against these outrages? The answer is that they always act on principle. Here they acted on imperialistic principle. This onslaught on the Hindus, this communal trouble engineered and fostered by them would help them in clinging to their Empire. The abominable communal award helped them to create a Muslim statutory majority in the Legislature here in Bengal. The British people are bound to support the Muslim League Government installed here at all costs, even in their barbarities and tyranies on the same imperialistic principle provided these did not touch their persons or their pockets. I can easily imagine what would have been the fate of this League Government and their supporters, the hooligans, and all connected with them if even one hundredth part of this sort of atrocities was committed upon any Britisher here or if any single man of their community were killed or any single woman were abducted or raped or forcibly married or anyone converted to Islam. But during all these fateful days and weeks they were as silent as dead. And yet some of them did not feel the slightest shame or hesitation to declare that the casualties were low in 3 figures as if that was not worth any serious notice. This shows to what depth they have fallen for their principle.

Sir, this outburst of fanaticism could have been suppressed in no time if the Government had only the will to do so. All this could have been stopped if the League Leaders had immediately gone to the localities and strongly and sincerely condemned these barbarities and took immediate and drastic action. And one can easily see that the Government would have certainly done that had not the Leaguers were at the back of it, had they not planned it or had they not been concerned in their execution. The relief workers sent by several Hindu organisations were hampered in their humanitarian work by the Government officials, many of them at the earlier stages were not even allowed to approach the scene of occurrences, many were not given the assistance they required. In spite of request they were not even given any protection. Many of them were waylaid, abducted and killed.

When hundreds and thousands of refugees took shelter in relief centres opened by private relief organisations. Government after giving meagre and niggardly doles of rice for a few weeks, started threatening the refugees with stoppage of supply unless they returned to their respective homes, knowing full well that they had no homes to go to, nothing left for them in this world and the place where they had their homes were infested with hooligans still at large roaming about as wild beasts to fall upon the Hindus wherever they could find them. Sir, as a result of the Calcutta killing and these Noakhali and Tippera atrocities there was terrible repercussions in Bihar, where I must admit to our shame and disgust the people started reprisals against the Muslim population and innocent people were killed and their houses burnt. But the Government there took such prompt and effective measures that the disturbances were quelled in less than a week. The distinguishing features there was total absence of any case of molestation of women, abduction or rape or forcible marriages or conversion.

Nevertheless the Congress Ministers and other Congress Leaders had been promptly deputed to the scene, military and armed police were at once rushed with orders to stop the disturbances as speedily as possible and they did stop it in no time. . . . .

**Mr. SULTANUDDIN AHMED:** On a point of order, Sir. The steps taken by the Bihar Government may be a matter of controversy. I think, Sir, no reference should be made to the steps taken by that Government in this Council.

**Mr. PRESIDENT:** I think it is the practice that no reference should be made to the action of another Government and it is better not to make any reference to it.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, may I point out that it is more than better and I request you to rule it out of order any reference to the activities of another Government? Because it would mean that I would in reply have to refer to their action and that would be very invidious.

**Mr. PRESIDENT:** It has never been the practice to refer to the action of another Provincial Government and you better not make any reference to it.

**Mr. NAGENDRA NATH MOHOLANABISH:** Sir, I bow down to your ruling. I did not discuss the propriety or the policy of another Government. I just mentioned the matter and wanted to say that if proper precaution had been taken no incidents either in Noakhali or in Bihar could have happened. However, Sir, as I said the Bengal Government could have done the same thing if they had only willed to do so and had they done so, the Bihar incidents would not have happened at all. But the heart of the Government of Bengal was not in Noakhali or Tippera, it was in Bihar. A high official was deputed to Bihar to look after the refugees in Bihar—though he was not wanted there and though the Government there was doing all that was necessary and possible for the protection and well being of those unfortunate refugees there. But the Government of Bengal were not satisfied and they wanted to bring them in Bengal and have since actually brought here over 150,000 refugees and are spending lakhs of rupees for their maintenance and have also opened several hospitals to them .....

**Mr. PRESIDENT:** Mr. Moholanabish, I would request to confine yourself to the incidents in Noakhali and Tippera. Please leave Bihar apart.

**Mr. NAGENDRA NATH MOHOLANABISH:** All right, Sir. This generosity magnanimity and sense of humanity and fellow feeling is really commendable. But when we compare this with the manner in which the Noakhali and Tippera refugees have been and are being treated by the same Government our heart is filled with intense sorrow and anguish. It is clear that the League Government in Bengal has enough kindness, enough generosity and magnanimity but that only for their own community and nothing to spare for the Hindus. This is rank communalism—open and sickening. Nevertheless, I have every sympathy for the victims and the refugees, though this misfortune was brought upon them by the mad policy of the League and League Government of Bengal by the policy of their Direct Action, and their policy of hate against the Hindus.....

**Mr. PRESIDENT:** Mr. Moholanabish, if you refer to the Bihar refugees any more it will be my painful duty to ask you to sit down.

**Mr. NAGENDRA NATH MOHOLANABISH:** I was only telling of the Bihar refugees.....

**Mr. PRESIDENT:** That is not the subject matter under discussion You better avoid that.

**Mr. NAGENDRA NATH MOHOLANABISH:** Sir, it is obvious that unless that policy is changed, Calcutta, Noakhali and Bihar will repeat themselves in a vicious circle and the fire that would be kindled will consume the whole of India.

Now, Sir, the causes that led to these outrages in Noakhali and Tippera are pretty clear. It was neither economical nor religious. The league leaders with a view to shift the blame from their own shoulders tried to suggest that they were purely economical. But the fact that subscriptions were extorted for the Muslim League, that there were abduction of women, forcible conversions and forcible marriages and mass massacre disprove any such suggestion. The fact that only members of the Muslim League and Muslim community were aggressors, that none of any other community was attacked by the hooligans conclusively disprove it. That the cause was political admits of no controversy. The circumstances leading to these atrocities prove it beyond any shadow of doubt.

These were not merely outrages on the Hindus, but outrages on civilisation, on culture, on religion, on humanity and on every thing else which distinguishes man from beasts, civilisation from barbarism. Are we to live henceforth a life of the jungle surrounded by beasts of prey ready to pounce upon us at every moment? Are we henceforth to live in eternal fear of losing our lives, our properties, our honour, our religion and above all the honour of our women? Are we always to be ready to kill in self-defence or else be killed? I would ask the League Government to answer straight to these questions.

This present Government have been persistently working in the sole interest of the Muslim League to further the interest of their aggressive party politics, in the sole interest of their own community in every sphere of its activities and at the cost of all the other people in the province. Such a partisan Government, which seeks to oppress and suppress the minority community in such a way ought not to be permitted to function a day longer. Indeed I do not find the least indication that there is going to be any change of heart or any change of policy even for the sake of decency in public life and affairs or in the administration of this Province. There has not been any frank and strong denunciation of these Noakhali outrages or of the abominable methods pursued during these disturbances and no real plan or measures adopted to prevent the recurrence of such carnage which has been repeated twice in three months.

The League Council from which Mr. Suhrawardy has recently returned has called for the police to protect them in Bihar. After having violated every canon of law and every rule of morality in every part of the country and having committed or caused to be committed thousand times worse atrocities in Calcutta, Noakhali, and Tippera in East Bengal, they are now calling for the police. Not a word was said in the last League Council Resolution about the tragedy in Noakhali and Tippera and no police was asked to protect the Hindus. On the other hand no serious attempt has been made or is being made to inspire confidence in the refugees in Noakhali and Tippera to enable them to return to their villages. Absolutely no action has been taken to recover or rescue the unfortunate women and girls who have been so cruelly abducted or forcibly married. This heartless Government cannot feel for them and do not like to give any assistance for their rescue or recovery for advancement of their political game.

There is yet time for the League and the League Government of Bengal to change this policy of terrorism. Terrorism has never succeeded in the world. Look at the fate of Hitler and Mussolini. Once they were regarded as invincible and unconquerable but they failed and they had to die a miserable death—death that is due to the worst criminals.

It is no use threatening and bragging that one lakh of Muslims can vanquish crores of Hindus. This Gaznafar Ali—brand threats and propaganda will not bring your goal an inch nearer. The goal which ought

to be the common goal of all the inhabitants of India can be achieved only by peaceful methods, not by terrorism. These mad effusions and mean tactics must be abandoned.

**Mr. PRESIDENT:** Your time is up.

Order, order. Motion moved that this Council do adjourn its business to discuss a definite matter of urgent public importance namely, the situation that has arisen due to the terrible atrocities committed upon the Hindus in the districts of Noakhali and Tippera in October and November last when large number of Hindus, men, women and children, were brutally killed, their properties looted, houses burnt, women abducted, raped and forcibly married and thousands of them forcibly converted to Islam by well organised bands of Muslim hooligans under a premediated plan and the failure of the Government to prevent or promptly check the same or to render timely assistance to the people affected or to make adequate provisions for the protection and rehabilitation of the refugees who were rendered homeless and penniless by these disturbances.

**Khan Bahadur CHYASHUDDIN PATHAN:** Mr. President, Sir, I fail to understand the urgency of tabling this motion over the so-called incidents of Noakhali and Tippera after the lapse of some 4 or 5 months. The reason is.....

**Mr. NAGENDRA NATH MOHOLANABISH:** On a point of Order, Sir. Is my learned friend in order in questioning the propriety of admission of this motion.

**Khan Bahadur CHYASHUDDIN PATHAN:** Sir, I have not questioned nor do I question the propriety in allowing this adjournment motion I said that I failed to understand the urgency of moving this adjournment motion.

**Mr. PRESIDENT:** After due consideration I have admitted the motion and no reference should be made to its admissibility.

**Khan Bahadur CHYASHUDDIN PATHAN:** The reason is rather stronger on the part of this side of the House to table a similar motion for what has been going on in Noakhali and Tippera in the name of restoration of peace and amity. The Muslims are being harassed and insulted right and left. The remarks of the mover of the motion are not only worse than useless now but they are full of exaggeration and misstatements. It is far from truth to say that the Government failed to render adequate assistance and make necessary arrangements to give shelter to the affected persons On the other hand, in our opinion, the Government did more than what the situation warranted. Moreover after the statement of the Hon'ble Minister to the effect that peace and confidence had been restored in Noakhali I do not think there is any meaning in moving this adjournment motion now The law has taken its course, and offenders, if any, and even innocent persons are being brought to book. In this view of the matter this motion does not, I think, deserve any consideration. With these few words I oppose the motion.

**Mr. KAMINI KUMAR DUTTA:** Sir, it has been asked as to why after such a long lapse of time, long after the happening of these unfortunate events a motion for adjournment should be moved at all. There has, no doubt, been a long interval between now and then but there was no opportunity to move a motion at an earlier date. Moreover, I think, the events which have happened would require a very thoughtful consideration by everybody to decide our future course of action. I can only say that these events, these unfortunate incidents, are due to the root cause of mutual distrust between the two communities. It has destroyed the intrinsic trust without which no society can exist. So this motion is in time and is rightly moved and I think we should not be actuated by technical objections but we should seriously think about what has happened. Any attempt

at whitewashing these incidents would only augur evil for the country. Let us hope that the mission of the Saint of the East, I mean Mahatma Gandhi, and the object of his pilgrimage may succeed. His mission is to restore the intrinsic confidence and trust between the two communities. Let us take the lesson from him and pray that his mission be fulfilled. Really, Sir, the events of Noakhali are a challenge to the conscience of the nation and of the world and Mahatma Gandhi wants that the whole nation should take up that challenge and not allow a repetition of incidents like these. Sir, I will not recount the incidents; they are the events of only the other day, they are matters of recent past. And it is unfortunate and unwise that attempts should be made by the administration to shroud the events from disclosure to the public. That was a very unfortunate and unwise attempt. There is no doubt that atrocities have been committed which can justly be described as crimes against humanity. Sir, as I have said, I will not recount them. As to the conduct of the administration I can speak from my personal experience. I came to know of these incidents on the 14th of October 1946. As soon as I came to know of them I at once proceeded to Choumohani and Sonaimuri, the only two outlets from the cordoned area. What was happening there was impossible to know; I could only get some glimpse of these unfortunate incidents from some refugees who told me their sorrowful tales. Not only were the authorities not taking any action but the whole area was cordoned round and it was impossible for anybody to come out of or enter into those areas. It was impossible for us to send any succour or relief to the people who were confined there; they suffered extreme humiliation and tortures worse than death. What were the authorities doing? On the 15th of October I met Mr. Abdulla, the Superintendent of Police, Noakhali, at Comilla town as a guest of a European gentleman of the town. I told him everything about the happenings as learnt at Choumohani and Sonaimuri. He then proceeded from Comilla to Noakhali—that was on the 15th of October while atrocities started on the 10th of October. On the same day I came to know that the Hon'ble Mr. Abdul Gofran was proceeding to Noakhali and I did go to Laksham to meet him and told him that we did not know what was happening in the interior because the affected parts were completely cut off from all communication by the perpetrators of these atrocities and any number of outrages might be committed without the information reaching the outside world. I persuaded him to take with him one of our very reliable Congress workers, Mr. Mukherji, just to get an outline of what actually happening. This was on the 15th October when the Superintendent of Police was in Comilla although devastations were going on in the district from the 10th of October. In this way oppression was spreading towards the Tippera borders within the Laksham thana border and there fortunately, I may say, that the first attempt of the Muslim hooligans was successfully resisted at Hassanabad in Laksham by the joint efforts of the Hindus and Muslims and some of the hooligans were caught and made over to the authorities. But ultimately the hooligans were successful and proceeded with their atrocities northwards in the Chandpur subdivision. I must say that there was a complete dislocation of the administration there, and I can say this that administration which allows people to resort to the primitive methods of barbarities and atrocities forfeits any right to govern or support of the people. It is a fact and I have heard it from very reliable source that two months before the occurrence information was sent repeatedly to the Magistrate and to the Superintendent of Police and the thana officers about the preparations that were going on by certain organised people to have a mass attack on the minority community, but no steps were taken by the authorities to check it. I may say that this was not a mass outbreak, it was not a mass Muslim rising but it was an engineered, well designed and well planned move for uprooting the existence of Hindus from those areas. Neither the Superintendent of Police nor the Magistrate paid any heed to the warning that was given by the minority community. It was rather a very clever move on

the part of the Magistrate who was due for transfer to leave shortly befor the occurrence not to take any action thinking that he would not be mad responsible if anything happened after he left the place. This is ver cowardly on the part of the officer.....

**Mr. PRESIDENT:** Mr. Dutta, you should not use the word "cowardly" in the absence of the officer who cannot refute the allegations.

**Mr. KAMINI KUMAR DUTTA:** I am sorry, Sir and I withdraw it Then, Sir, the Police Superintendent, Mr. Abdulla, was benevolently inactive all this time and did nothing to check the occurrence. Militar did not leave for the place of occurrence earlier than 24th October. On th 23rd I met Lt.-Genl. Bucher and told him the urgent necessity of stationin the Military force in the affected areas. But the actual operation of th military began long after. It is apparent that the administration was sittin idle and doing nothing to check this outbreak of atrocities, to check th primitive methods of barbarities in this modern century.

Then about rehabilitation. On the 1st of February 1947, I had me Mr. Nurannabi, the Special Commissioner for Rehabilitation and I got fron him—he had to admit—that people were not getting ploughing implement and grants or cattle as yet and were not getting materials to build thei houses which had been burnt. I am speaking of Tippera. I asked hin whether he had got cash grants or building materials. He said he ha absolutely nothing, neither cash grant nor building materials. He only got assurances on paper. I may say, Sir, that they will get nothing an when something will come, cash grant or building materials, they will b lost in transit or they will evaporate or they will go down to the black market and will never go to the sufferers at all. These people have not yet got any building materials, got no implements of husbandry. So how they will build their houses and how they will plough their fields. This callous attitude of the administration can only be described to be absolutely inhuman. It is a question of politics and it is not a question of party affiliation. it is a question of the demand of humanity, for the sake of humanity let the administration beware.

**Khan Sahib Maulvi WAHIDUZZAMAN:** Mr. President, Sir, I rise to oppose the motion so ably moved by my friend, Mr. Mahalanobish. I was endeavouring to find whether he was moving a motion about Noakhali or really he was moving a motion about Bihar. Much of what he has stated about Noakhali is true about Bihar.....

**Mr. PRESIDENT:** Please do not refer to Bihar.

**Khan Sahib Maulvi WAHIDUZZAMAN:** Sir, he did say and referred to Bihar and I have got to.....

**Mr. PRESIDENT:** It was not approved of by the Chair or by the House and so I would request you not to refer to it.

**Khan Sahib Maulvi WAHIDUZZAMAN:** I shall try to keep myself as far as possible within the limit but I have got to reply to what he has said about Bihar.....

**Mr. PRESIDENT:** If you refer to it then it will be my painful duty to ask to resume your seat. So better do not mention Bihar at all.

**Khan Sahib Maulvi WAHIDUZZAMAN:** Sir, before you say so may I request you to consider whether his portion about Bihar should be expunged or not.

**Mr. PRESIDENT:** I shall consider that.

**Khan Sahib Maulvi WAHIDUZZAMAN:** Thank you, Sir. Mr. Mohalanabish has stated that the Muslim League never took any cognisance of what happened in Noakhali, much less the Government of the province.

Sir, I can tell you this much that as soon as the news reached Calcutta on the 14th October the Chief Minister sent one of his colleagues, the Minister in charge of Civil Supplies, Mr. Gofran, to Noakhali and what were his activities at Noakhali everybody knows. If after that somebody comes forward and says that Government were callous or indifferent, I should say he is deliberately thinking of something which he should not think. Anyway, he has accused the Muslim League Government of the province for being callous and inhuman. I say, Sir, this Government overacted in taking action.

I may say a few words about what the Muslim League did here. Immediately the news reached Calcutta, the Muslim League Working Committee passed a resolution condemning the action of the hooligans. The local Muslims did try to prevent these things. The District Muslim League had no information of what was happening there. You are aware, Sir, of the communication difficulties there. One is not expected to know what is happening 15 miles away from the headquarters when there is so much of transport difficulty. Anyway, Sir, that is neither here nor there. I shudder to think what oppression the military police are at present committing on the Muslims in Noakhali under the guidance of what they call the Congress volunteers that are now working in Noakhali under the guidance of their able leader, Mr. Gandhi. I would like to say so though I know, Sir, that Mr. Gandhi has gone there with a noble mission,—at least that is what the Congress platform preaches. Well, I say that Mr. Gandhi has gone there to provoke the Muslims and not really to bring back peace in those areas (A VOICE: Question?) You may say Question but I say, from his conduct it will show that he has been trying to do so.

Well, I went to Comilla along with other Muslim League leaders and I have seen several refugee centres at Comilla and Feni. But what we found there? Well, not that there is much of complaint against the local Muslims but it was an organised attempt to bring up a case against the local Muslim League and the Hindus have succeeded in making a case under the guidance of Mr. Gandhi. They have been successful in committing the worst type of atrocities, the most criminal acts against humanity.

**Mr. BIJOY SINGH NAHAR:** Cite an instance.

**Khan Sahib Maulvi WAHIDUZZAMAN:** There is a number of instances.

**Mr. BIJOY SINGH NAHAR:** Nowhere; it is all false.

**Khan Sahib Maulvi WAHIDUZZAMAN:** You may say it is false. What happened at Sealdah and at all the way-side railway stations in Bengal? These Congress hooligans started checking up the passengers that were coming from Noakhali side. Immediately after the incidents of Noakhali these Congress hooligans started setting up what they call relief centres by the railway station sides in Bengal and in the name of relief what they were doing was checking passengers and killing them mercilessly. Muslim women in purdah were humiliated like anything. I was present at the Sealdah station——

**Mr. BIJOY SINGH NAHAR:** Why did you not stop it when you saw so?

**Khan Sahib Maulvi WAHIDUZZAMAN:** Well, I did my level best. Again I tell you, Sir, it is due to the kindness of the Chief Minister that they are still there, they are still functioning there. Sir, the civil administration of Noakhali has ceased to function. The criminal administration is now continuing under the guidance of that hypocrite Mr. Gandhi.

**Mr. BIJOY SINGH NAHAR:** Stop it.

**Mr. PRESIDENT:** Mr. Wahiduzzaman, the use of that expression neither adds force to your arguments nor to the dignity of the debate. So will you please withdraw that expression?

**Khan Sahib Maulvi WAHIDUZZAMAN:** No Sir, because I feel that he is a hypocrite.

**Mr. PRESIDENT:** In that case, I am sorry, I shall have to ask you to sit down.

**Khan Sahib Maulvi WAHIDUZZAMAN:** I will sit down but I will not withdraw that expression.

**Mr. PRESIDENT:** I shall not allow you to speak further.

**Mr. HARIDAS MAZUMDAR:** I shall speak later on. My friend Rai Bahadur Jogendra Nath Ray will speak now, Sir.

**Mr. PRESIDENT:** It is for the Chair to decide who will speak next if you do not want to speak now. Order, order. Yes, Mr. Amulyadhone Roy.

**Mr. AMULYADHONE ROY:** Most deeply I regret the unfortunate incidents in the districts of Noakhali and Tippera and my heart-felt sympathy goes to the sufferers in those districts. But, Sir, I have occupied this floor of the Chamber not to apportion the blame between the Ministry and the Opposition or for the matter of that between the Muslims and the Hindus. The only question that arises in my mind is this: What is the utility of this adjournment motion? Will it lead to Hindu-Muslim unity? My answer is an emphatic "No". Will it go to allay the sufferings of our brothers and sisters in the districts of Noakhali and Tippera, or will it go to the solution of the root cause which is responsible for the misfortune of thousands of men, women and children? Here, again, my answer is the same. Then, Sir, let the tragedy of Noakhali and Tippera on which this adjournment motion is based be an eye-opener for our future guidance. With the utmost humility let me make an appeal to the honourable members of the opposition to show through this adjournment motion how this chapter of civil war in India can be finally closed on the recognition of mutual rights and claims by an agreement between the different communities concerned. For the sake of Hindu-Muslim unity which is the only way of achieving India's independence and avoiding this calamity, may I urge upon my honourable friends on the Congress benches to induce Mahatma Gandhi to go to the province of Bihar, so that by his action he may win over the Biharee Muslims? Why am I making an appeal to this effect? Congressmen should realise that rightly or wrongly, probably wrongly, the Muhammadan community is suspecting Gandhiji, however noble his mission may be in Noakhali, and I hang down my head in shame that according to some honourable members of this House, the greatest man in India is today a suspect in the eyes of Muhammadans. Therefore, Sir, if Mahatma Gandhi goes to Bihar, by his action he can win over the confidence of the Muslims there by persuasion, can induce the Hindus to win over the confidence of Muslims and *vice-versa*. Thus it will lead to Hindu-Muslim unity which will fully bring about India's independence. Before I finish this subject I must urge that relief measures in every shape should reach the door of every sufferer if the Ministry wants to survive. With these words I oppose the adjournment motion.

**Mr. LALIT CHANDRA DAS:** Mr. President, Sir, I must at the very outset controvert the statement of Mr. McInerny, the District Magistrate of Noakhali, who once said that the disturbances in Raipur, Ramganj, Lakshmipur and Begumganj thanas in his district were due to economic causes. If it were so, the disturbances would not have taken a communal turn. All poor Hindus and poor Muslims would have combined to fall upon the rich Hindus and the rich Muslims and there would have been no outrages on women or forced conversion.

Sir, the whole thing was political. It was not the work of hooligans as we understand the term. It was planned. Ex-servicemen led and the Muslims very generally joined, in which there were presidents of several union boards. They fell upon the inoffensive and unoffending Hindus, many of whom, on the plea of being given protection were subsequently treacherously done away with. Their war cry was—

খোদার সন্তান আমরা মুসলমান,

লড়কে লেঙ্গে পাকিস্থান,

মারকে লেঙ্গে পাকিস্থান।

They were armed with all sorts of weapons ranging from guns to lathis, brickbats and bottles. They cut the highways so as to make governmental or private relief or rescue impossible. By Pakisthan they understood not the majority rule of the Muslims but the Muslimization of the whole area. And so we find innumerable instances of forced conversions. In persuit of their pet idea of Pakisthan, they descended themselves to the lowest level of beasts. They raped women, forced them to marriage, committed murders by hundreds, inflicted wounds on thousands, burnt houses as they liked and looted properties worth lakhs and lakhs of rupees with the results that panic-stricken people fled not only from disturbed areas but also from unaffected parts on apprehensions of oppression. Disturbed areas were mostly confined to thanas of Raipur, Ramganj, Lakshmipur and Begumganj in Noakhali and to thanas of Chandpur, Faridganj and Hajiganj in Tippera. Over a lakh of people migrated to different parts of the province and even beyond. It was a planned invasion. Meetings were frequently held before the disturbances in which violent speeches were made by the Muslim Leaguers depicting what happened in Calcutta in August last and what was the proportion of Muslims and Hindus killed in the Great Calcutta Killing. Local authorities were forewarned of the coming events. No preventive steps were taken. And when the disturbances started they did very little to circumsscribe it or to stop it. The attitude of the local authorities encouraged the invaders to do their worst and they did their worst for a period extending ever a fortnight till the Military were on the spot. If Government really intended to suppress the rising, it could have been quashed in a week's time as was done in Bihar. But, Sir, the persons in power seemed to enjoy the whole thing. While from time to time condemnation came from high quarters, it was not followed by suitable actions. Sir, the Chief Minister and the Minister for Civil Supplies visited the disturbed areas. They blew hot and cold at the same time and their behaviour brought no fears in the hearts of the wrong-doers. Mr. Fazlur Rahman also saw the arrested hooligans who threatened to go on hunger strike, and what he told them he knows best. There was however one Minister, Mr. Shamsuddin Ahmed, who spoke feelingly and did not mince matters. Since then he is in the bad book of the Muslim League Party.

Even the military worked under great disadvantage as they had work under the direction of the police which being under the civil Government often stayed the hands of the military. Otherwise many abducted women who still remain untraced could have been rescued. Worse than murder or arson or loot were the outrages on women. These outrages were so calculated, brutal and gruesome, that it was no wonder that the virile Hindus in Bihar lost their balance and retaliated terribly for which we all regret and sincerely regret and for which the Government of Bengal should be held responsible for having given a long rope to the Muslim Leaguers to carry on their Direct Action Policy which is at the root of all the miseries. The Government of Bihar in dealing with the Muslim refugees did everything in their power to restore confidence and feed them and clothe them. In comparison with them Bengal Government's action in dealing with the Noakhali and South Tippera refugees calls forth the present criticism. This Government action has been so half-hearted, ineffective and inadequate that but for Gandhiji the areas where disturbances took place would have remained

waste only to be occupied by the Muslims. This great soul at the age of 78 is now going from village to village offering prayers, giving advice to the people and doing everything in his power to induce the Muslims and Hindus to live as before in unity, love, peace and co-operation. It is this great soul's action which is responsible for return of confidence and with it the return of refugees to their hearth and homes. The Government, as constituted, and as it is a communal Government, would not have cared a straw, if the refugees had not have returned, however glibly they might talk. Although there was such a catastrophe, the Government did not transfer any notable officer for their acts of incompetence or negligence. They merrily carried on. The standard of morality was brought down so low by the spirit of communalism in the ranks of officers dispensing justice that hundreds of persons accused of murder, arson, loot, rape, etc., and arrested for trial were allowed to go on bail even in cases of nonbailable offences. Thanks to Tippera S. P. there was appeal against such bailing out of criminals. The District Judge had to intervene, cancelled bail and though his orders were appealed against in the High Court, the High Court upheld the decision of the District Judge. The communal executive officers are still in their respective places without any fear of transfer or admonition.

The truth is, so long as there is this communal Government which for power have to look to Muslim League party outside, and the holders of power are men of no very great honesty or of intellectual eminence, such things will always happen. Indeed the morality in the administration has gone down so low, that now, however regrettable, there is a section of the people who are demanding partition of Bengal and asking for a Government of the Bengali Hindus for them and by them.

Sir, in various ways, by bringing in highly controversial Bills, for grabbing at lands, allocation of money for the Muslim community without caring for the opinion of the other major community who furnishes the bulk of the money of the Public Exchequer, simply relying on communal majority votes—which are not truly democratic votes—this Government are leading the province to a serious crisis and I see nothing but darkness ahead till this dark force so wholly represented in the formation of the Government is not totally crushed. For this every honest man should try.

**Mr. MD. TAUFIQ:** Sir, I rise to oppose this motion, because I do not find any justification for it at the moment. Had this motion been moved for the police *zulum* which is going on in Tippera and Noakhali certainly it would have some ground. These communal riots were spreading all over India from one end to another and in many places much more atrocities were committed and lawlessness prevailed for longer period. The members of the Opposition should have congratulated this Government having put this lawlessness to an end at a very early date. In many other provinces lawlessness is still going on and they could not quell it. Sir, everybody has got sympathy with those who have suffered in these riots, but these occasions should not be utilised for advancing the propaganda of a party. My friends on the opposite always try to utilise such occasions to meet their party ends. They had done similarly when Bengal Government had very wisely declared August 16th as a holiday. They put in several adjournment motions, created ill-feelings, gave wide publication to their mischievous propaganda which resulted in a serious riot in Calcutta. Now again they are trying the same methods, and it appears that their thirst for human blood has not been quenched. When this great danger of communal trouble has not come to an end the Opposition should have acted with some restraint on an occasion like this. Instead of doing so, they as usual, are trying to put the blame on the Bengal Government who have acted very promptly and generously so far as relief and rehabilitation of refugees is concerned. Every possible attempt is being made, every possible help is being given, but to my friends on the opposite, whatever

good is done, it looks to them a bad thing. So I again say that there is no justification for this adjournment motion on this occasion.

**Mr. BIJOY SINGH NAHAR:** Sir, in Noakhali the first incident that came to notice happened on the 10th of October, i.e., after the close of the last session of this Council and naturally this motion has been tabled today to show the utter failure of Government to check the disturbances there Many incidents happened, many murders and many lootings happened before that date in those areas. There were hundreds of petitions to the District Magistrate and the Police Superintendent and also to the Hon'ble the Chief Minister but nobody cared; nobody took any action; nobody wanted to see in reality what was going on there, what was happening there. The Government were utterly callous at that time and for their utter callousness these things could happen. Even after these incidents, for a few days, as our Leader Mr. Dutta has pointed out, the local authorities, the District Magistrate and the Superintendent of Police, were enjoying the fun in the town leaving aside the district in the hands of the murderers and looters without taking any interest in the administration. I do not know whether they at all sent any intimation to the Chief Minister or to the Government in Calcutta. It might or might not have come, I do not know. But at least I can assume that they did not send any intimation as the Hon'ble Chief Minister has not said anything. At the time the authorities did not act at all, they took the affair perhaps lightly, or I should say, they connived at these things and they enjoyed the fun of these sad and terrible happenings. Sir, I say that the Government and the Ministers failed even in discharging their elementary duties by the people to maintain law and order. One of my friends on the opposite side stated that the Government over-acted. May I know what the Government did? Can you point out how many arrests have been made there? Have the Government even now imposed any collective fine in those areas where these crimes were committed? I should say, No. Still now no collective fine has been imposed in these places. Why? We know what the reply could be. It was not imposed because these beastly acts were committed in a Muslim majority district and the persons who did these were all Muslims and the supporters of the Muslim League, the party to which the present Ministers belong. Sir, today the Government have lost the confidence of the people of the Province. (The Hon'ble Mr. SHAMSUDDIN AHMED: Long before!). The Hon'ble Minister over there says that they lost the people's confidence long ago. They should be ashamed of this and of their failure to run the administration smoothly guaranteeing the people safety of their lives and property. They should be ashamed of the fact that they have miserably failed to discharge their primary duty and function to the people.

My last point is this that the Government did not make any arrangements for essential facilities to those who suffered, as an instance I may cite that transit facilities were absolutely madequate. I know of instances where people were not allowed to board steamers or trains and they were forcibly taken out and were not allowed to go out of their places. They were not given rations even in towns; no food had been supplied to those sufferers. The batch of relief vounteers who had been to these places were not allowed to carry on their relief work to the distressed people because the Government thought it unwise to allow them to go there which they thought would create agitation. (ONE HONOURABLE MEMBER: Did you go there yourself?) No, I did not but I am speaking from knowledge and information and from facts and figures, and as a matter of fact if I had time I could have placed them here today. (ONE HONOURABLE MEMBER: Was it not your duty to go there?) I know that these incidents actually happened there. I therefore charge the Government and the Ministry with failure to do their duty at the time and have therefore lost the confidence of the people. They have absolutely mishandled the whole

thing; the administration has absolutely failed; it has not taken any action against officers who did not perform their duty; they have neither seen nor cared to see whether their own paid officers acted wisely and properly and have allowed things to drift on without taking action against officers who did not act or inform the Government in proper time of the happenings, although they were informed beforehand that such incidents might happen.

Sir, Mr. Taufiq has mentioned that even now police *zulum* is going on there against the Muslims. I would like to hear of such instances. If police *zulum* is going on there, why does he not ask his own party members or his own Chief Minister to stop this *zulum*. (ONE HONOURABLE MEMBER: Because Mr. Gandhi is there). Well, Sir, I know who is who. If the police *zulum* is going on there it is the duty of the Minister in charge of Law and Order to stop it, to see that the people can live happily and peacefully and confidence is restored amongst them. It is their own government and it is therefore shameful that they cannot stop this alleged *zulum*. I will not go into further details but I would like the Government to take proper steps and to see that confidence does come back among the people of Bengal and no further incidents of this kind ever happen.

**Mr. HAMIDUL HUQ CHOWDHURY:** Mr. President, Sir, I will not imitate some of my friends who have spoken on this motion, nor shall I be as light-hearted as the mover of the motion has been, obviously because it is the cheapest way of courting popularity of the public by championing the cause of his community just from the safe precincts of this Chamber. It is not my purpose today to try to apportion blame for what has happened in Noakhali or in Calcutta or elsewhere. These are, may be, links in the chain of communal antagonism which is embittering the feelings of the people from one end of the country to another. It is not also my purpose to say what is the proportion or extent of the damage in men and money that has happened in Noakhali compared with what has happened in Calcutta or in Bihar. It is just possible that what has happened in Noakhali is only one-hundredth part of what has happened in Bihar. But Sir, the result is the same. The result is the same destruction of one man by another. Sir, we have to be ashamed for all these, whether a Hindu has been killed or whether a Mussalman has been killed. We must remember that responsible political leaders have to play their own part and not exasperate the feelings further and embitter and rouse those passions which are responsible for these ugly and inhuman occurrences amongst us. Therefore it will not be proper for any one to try and rouse the same hatred that has been perpetrated here in Calcutta and in Noakhali. One thing that I am afraid of is that the politicians are taking this antagonostic attitude to such an extent that the entire machinery of the Government is in danger, so much so that the loss in Noakhali would not be so much in comparison with the loss that would take place if the entire machinery of Government breaks down. The leader of the opposition has spoken about the happenings in Noakhali in an unrestrained and irresponsible manner and has shown great passion against the officers of Noakhali simply because they happened to be Muslims.....

**Mr. KAMINI KUMAR DUTTA:** On a point of order Sir. Mr. Chowdhury was speaking of my statement and said that I was accusing the officers of Noakhali because they were Muslims. But the District Magistrate at that time was a Hindu officer and not a Musli

**Mr. PRESIDENT:** This is a point of personal explanation:

**Mr. HAMIDUL HUQ CHOWDHURY:** Then again, Sir, I know of incidents in which colleagues of my friends opposite, some of the leading men of the Hindu community, were approached by us for accompanying to the affected areas in order to bring peace and confidence to the homes of the Hindus there but they flatly refused to go there. I have also know

of cases in which Hindu politicians ran to the Government established refugee camps and asked the refugees to leave the place and took their names in order to make but false cases. I know of cases where Hindu politicians who never went to the villages of incidents but gave names of innocent persons there and implicated them simply because they belonged to the other community as if it is sufficient to entangle as many Muslims as possible and take them before courts of law and get them punished. I am afraid, Sir, the whole administration is on the breaking point. It is for the Government to devise ways and means to deal with the situation and prevent this break down of the machinery. There are Hindu officers, Magistrates, Judges or policemen and they should always think that they are serving the Government and should not take sides. There are cases when sides were taken.....

**Mr. NAGENDRA NATH MAHALANOBISH:** On a point of order, Sir. Is he entitled to say this against Hindu officers of Government?

**Mr. PRESIDENT:** He is quite in order.

**Mr. HAMIDUL HUQ CHOWDHURY:** Then, Sir, we have seen how innocent Muslims were being punished on the plea that they were named by some Hindus to have been involved in the arson. I have also come across cases in which Hindus said that their lives were saved by such and such persons but the next information was that those very persons who were reported to have saved their lives were said to have been responsible for the murder of hundred Hindus and thus they were clapped into jail and are still rotting there. Now, Sir, if I compare the incidents of Noakhali with those of Bihar where 50,000 Muslims were said to have been murdered and the steps taken by the Bihar Government to stop.....

**Mr. LALIT CHANDRA DAS:** On a point of order, Sir. Can he speak about Bihar?

**Mr. PRESIDENT:** Mr. Chowdhury, you should not speak about what took place in Bihar.

**Mr. HAMIDUL HUQ CHOWDHURY:** All right, Sir, I withdraw the word "Bihar".

Therefore I will not ask the Government to imitate the authorities elsewhere and behave as partisan in these riots, in these fights, but behave as a responsible organisation. If this Government have to do that, they will have to remove and restrain those ugly officers who have forgotten their duties so much so that they are taking vengeance of what has happened already as if they are championing the causes of their own community. Another remark has been made that this Government have not imposed punitive taxes as yet in those areas. But Sir, the disturbance has been quelled in ten days and after that there has been no further disturbance. Certainly some amount of restraint should have been enforced on those who created a sense of terror in the minds of the entire populace there.

Now, Sir, I would have very much appreciated if Mr. Gandhi went to the Hindus in places where the Muslims had suffered and bring back the friendship which had been lost and vice versa, if he had by his persuasion tried to win back the confidence that has been lost. But he has not done so or is not doing that.

As regards the rehabilitation grant, I may tell the House that the Budget will reveal what amount of money the Government have, out of their generosity, granted to restore the confidence, to help the people to build their burnt houses, etc. It may not be known to the honourable members opposite what amount of care has been taken by this Government to see that Mr. Gandhi does not feel any discomfort in his visit to these riot-affected places. Think of this attitude of the Bengal Government and

you should be ashamed of those authorities who created difficulties in the relief work undertaken elsewhere.

**Mr. PRESIDENT:** Mr. Huq Chowdhury, your time is up.

**Mr. LALIT CHANDRA DAS:** Sir, will you please give him a minute more to express regret for what has happened in his own birth place.

**Mr. PRESIDENT:** I am sorry, I cannot.

**Rai Bahadur JOGENDRA NATH RAY:** Mr. President, Sir, we have assembled here today under the dark shadow of all-pervading shrieks and bewailings of the bereaved, the destitute and the ruined, the poor victims of Noakhali and adjacent parts of Tippera. The air is thick with deep mutual hatred, disgust and misgivings which will probably never disappear from Bengal's mind in spite of all the swan-songs of Mr. Suhrawardy, our popular Chief Minister who is also in charge of Law and Order. It was really a war against the weak minority of Hindus in the Noakhali district who form a little more than one-sixth of its population. In the affected areas they have been ruined in every way and in every sphere—in religious life, in economic status and in prestige. Almost all the Hindu villages and almost all the Hindu sections of other villages in the affected areas have been attacked and sacked. The ruin of village after village, the burning and pulling down of houses, one after another, the untold sufferings of large masses of humanity—where could we find the wealth of expression to give them shape in language Sj. Brojen Chakravarty, Secretary, Chandpur Relief Committee, sent the following Telegram under date October 16, 1946:—"Arson, looting and murder have started on a mass scale throughout the subdivision, specially in sadar, Faridganj and Hajiganj thanas. Reports of forcible conversion are numerous. Refugees are pouring in thousands. Mobs are proceeding towards the town (Chandpur). Police force is absolutely inadequate and the way out is machine-gunning from the air by noon today. Military help is also immediately essential to save the town". From a report of Sj. Surendra Mohon Ghose, President of the Bengal Provincial Congress Committee, which also appeared in some of the Calcutta dailies, we came to know that "at least over 5 thousand persons have been killed in the lawlessness in certain areas of Noakhali and Tippera since October, 10". Sj. Ghose adds that "over fifty thousand others have been affected by the other acts of the rioters, namely, forcible conversions, forcible marriages and abductions". From the very beginning of the occurrence, the authorities have been dinning into the ears of the people that the newspaper reports appearing then were exaggerated. To attempt to belittle this terrible and stupendous havoc is a crime against civilisation and humanity. In spite of these, the officials are denying the reality of Noakhali havoc. Indeed history has yet to record such wonderful forensic skill and foresight and masterly activity on the part of a Minister in charge of Law and Order for the proper protection of the life and property of the people—or should I say—such criminal and deliberate inaction on the part of such Minister with full apprehension of the orgy of violence that is very likely to happen and that in fact happened and continued to happen, the like of which even did not follow the invasion of Nadir Shaw or which Burke could not paint.

Sir, essentially of a moderate temperament that I am, none but God alone knows how much it pains me when I feel an uncontrollable urge within me to allow this vocal expression to gush out of my bleeding heart. Is there even a parallel to this in history? Sir, the greatest problem that confronts us today is not whether the Hindus struck first or the Muslims struck first or whether the Hindus have been killed in larger numbers or the Muslims have been killed in larger numbers. The first and foremost question of importance is who are responsible for this great calamity, how far the Government have discharged their duties for the preservation of peace and tranquility, law and order in those fateful days and whether the

Government had reasonable causes of apprehension about the possible outbreak of disturbances in Noakhali, and if so, what steps did they adopt to meet such a possible situation. Even a general perusal of the notorious outbursts of some of the big guns of the Muslim League of Bengal at the time will make it quite apparent to any layman how horrible their effect might be in the mind of the illiterate and inflamable mob. May I ask Mr. Suhrawardy why the Government did not make elaborate police and military arrangements just on the receipt of the news of the outbreak of violence? The newspaper reports show that even when violence broke out no sufficient measures were taken by the Government at the earliest stage to meet the situation. Fancy, the Inspector-General of Police, says a Bengal Government press note, flew to Chittagong on the 16th October that is, practically a week after mass violence had started in Noakhali. According to reports the Chief Minister who is also the Minister of Law and Order, is "not thinking of visiting Noakhali now". The Governor was having a brief holiday in the hills. The Viceroy, it is reported, asked the Governor of Bengal to send him "fuller reports" of the terrible happenings of Noakhali. And there it stands! Meanwhile the helpless thousands, men, women and children got mercilessly killed and their homes ransacked. The League Government of Bengal could neither prevent nor stop the Calcutta carnage. Its colossal inaptitude in those terrible days was visibly demonstrated. Similar inaptitude on its part has now been responsible for the killing of another 5,000 in an East Bengal district. We simply fail to understand now such a Government is allowed to function. Military help was taken at a time when crores of valuable properties had been destroyed and thousands of innocent lives had been lost. Is not this inaction on the part of the Government a crime against constitution and law and are not the people who are running the Government liable to impeacement forthwith? There are various other charges against the Government and that even by the Press and the persons of great importance in the public life of this country. Failure to realise the gravity or to convey it to the military in time may after all be an act of great remissness, whether it was wilful or otherwise, it is not for us to say. What is it that many eye-witnesses' accounts reveal—and some of the eye-witnesses are responsible and respectable citizens? They reveal, if anything, criminal callousness and inaction on the part of the police. If the newspaper reports are true, certainly any reasonable man will consider the Government action to be far less satisfactory than what it should be. I do not of course grudge the Government spending the public revenue of Bengal for the interests of the non-Bengalis but I would like to remind the Government only of the fact that Bengal's interests should be the first charge upon Bengal's revenue. Before satisfying Bengal's needs not a single farthing should be spent otherwise in the interests of those who are non-Bengalis and who have been dwelling elsewhere.

Apparently the Government have very miserably failed in the proper discharge of their primary duties which mean the preservation of the life and the properties of the people. Referring to this Government Pandit Jawaharlal Nehru said shortly after the Calcutta carnage "One is inclined to doubt after this if it is any Government at all". And he, I believe, was not far wrong.

"In quietness and confidence" said the Governor in one of his broadcasts, "shall be your strength". The Governor need not ask people for confidence. We may assure His Excellency that confidence will come unasked the moment the people find the Government doing their duty fearlessly, impartially and conscientiously. Let the Government vindicate their right to be regarded as a decent Government that is neither directly nor indirectly sullied with any kind of charge whatsoever for this great carnage.

**Mr. HARIDAS MAZUMDAR:** Sir, I tabled a motion for adjournment of the House for Government's failure to protect the lives, property and

honour of the minority community in Noakhali and Tippera and you, Sir, very properly admitted the motion of my friend which is more comprehensive. In supporting the motion moved by my friend, Mr. Mahalanobish, I only want to point out here a few salient facts for discussion and consideration by the House. Since the notorious incident of the 16th August last, the public came to realise the sinister motive of the Muslim League. The Hon'ble the Chief Minister, just after the incident, declared at Bombay that what had been done in Calcutta could easily have been undertaken in the districts of East Bengal. Fears in the Hindu mind were naturally raised and the leaders of Noakhali and other places many of whom were the leading members of the Bar, made frantic appeals to the district officials to take timely action, but subsequently events showed that all these ended in nothing. It may be remembered by the House that in reference to Dacca I too raised the question just after the conclusion of the Budget Session last time to which the Honourable Chief Minister held out the assurance that he was personally visiting the affected areas in East Bengal with leaders like Mr. K. S. Roy and others and would spare no pains to restore normal state of affairs there.

Sir, I am deeply sorry to tell you here that communal riot broke out afresh just after his coming back from the riot-affected areas. Arson, loot, plunder continued to play havoc in the districts of Dacca, Noakhali and Tippera. Mr. Harendra Kumar Chowdhury, M.L.A., issued a statement just about a fortnight before the ugly tragedy of Noakhali in which he warned the Government of the elaborate preparation which was then being made by a gang with Muslim League slogans in their mouths, but neither the Provincial Government nor the district authorities took any measure to meet the forthcoming eventuality. Mr. Nazimuddin on his way back from the Punjab declared that a serious communal conflagration might take place and it would happen so soon that he might not reach his own province. I don't like to quote any more instance to prove the fact that extensive preparation was undertaken by a gang of hooligans to launch the Noakhali campaign and the Government remained unaccountably and unnaturally inactive.

The District Magistrate and the Superintendent of Police of Noakhali were approached by the local leaders but they maintained a passive attitude and deliberately failed to take active measures for the future insurance of peace and safety of the minority community of the districts. Late Rai Sahib Rajendra Lal Roy and others, it is understood, handed over to them threatening letters received by them but instead of taking measures to trace out and punish the culprits, the incompetent District Magistrate slept over the matter. It is again curious that this incompetent Magistrate was removed on the day of occurrence, that is, the 10th October, and the district remained nominally under the charge of Mr. Zaman but practically without any District Officer.

Now, again, Sir, the ugly tragedy happened on and from the 10th October, but Calcutta the civilised world came to know of this horrible atrocity after three days in an incomplete and evasive statement of the Premier that there was something wrong in the district of Noakhali. Three or four days more were necessary to have a full idea of the tragedy in details. Thus you will see, Sir, that the whole incident is full of significance. It is full of perplexity too. We have been repeatedly asked to forgive and forget. Can we forget the heinous crimes committed upon our womenfolk deliberately with sinister motive to annihilate the race? Can we forgive the persons who still are hiding the abducted women and the Government being seemingly callous or helpless. From the report of Mr. Simpson, a portion of which is said to have been just leaked out, it appears that "a mass scale molestation of women was committed". Three hundred women were outraged in one place and four hundred in another. A local Muslim leader gave definite assurances to the minority community in case of any

mass attack; but at the time of direct action, this local leader conducted the orgy of loot, arson and abduction with all satanic glee under his personal supervision. Even the report suggests that the officials were in league with these elements. The problem of problems is still today how to free this marooned womenfolk who are still under the clutches of the ruffians.

Sir, mere discussion of these tragedies that have become every day affair in Bengal life will not do. The Hindu legislators who form the major portion of the Bengal Opposition, if they have any sense of honour left to them, should follow the footsteps of the League leaders working in other provinces নান্য পন্থা বিদ্যতে অয়নায়। This is the only way. Failing that there is no other alternative than to partition Bengal on communal majority basis for the sake of safety, security and tranquillity of both the communities of the Province.

With these words, Sir, I commend the motion for the acceptance of the House.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Mr. President, Sir, I am sure that every one in this House deplores the incidents which occurred in Noakhali and Tippera and condemns the action of those hooligans who resorted to the crimes. I shall try and be as objective as possible and place before the House what steps the Government took to control the situation, and I think, Sir, that Government can take credit that the situation was controlled very rapidly indeed without any great loss to the minorities. I make bold to say that the situation would not have been controlled so easily had it not been for the assistance that Government received from the local Muslim League and Muslims in general. It is a travesty of facts to say that the Muslim League was behind that lawlessness: a lawlessness that was condemned throughout by every single Muslim League leader and by every Muslim League organisation. Time and again have Muslims in those areas tried to save and actually did save Hindus from molestation. Unfortunately this is now being forgotten, and today we have the spectacle of respectable Muslim Leaguers being implicated through false information and being put in jail. Sir, the incident started on or about the 10th of October. Before that there had been rumours and reports of light disturbances. Feni appeared to be in a state of ferment, but there were no reports in the hands of Government that Ramganj was likely to blow up. On the 10th a Gurkha military unit of 120 was sent to Feni. On this very day incidents occurred at Ramganj—considerable distance away—nearly 40 miles. Sir, no one knew that things were boiling up in Ramganj. I would request the House to realise that the area is intersected with canals and at that time the canals were full. Movements were therefore very difficult except for persons who had definite objectives and knew whither they are going. This difficulty of movement hampered the police and military in chasing the hooligans; for while they went in one direction the hooligans managed to decamp in another. This detachment of 120 was despatched from Chittagong at the request of the Commissioner of the Chittagong Division who received information that the Feni situation was deteriorating. On the 13th October information was received at police headquarters at Writers' Buildings that there were widepsread lawlessness in Ramganj police-station on the 10th of October, the Superintendent of Police, Noakhali, reported the inadequacy of the police and asked for additional police force to be placed at his disposal. He asked for one Sub-Inspector, three Head Constables and twenty-five constables. Immediately on receipt of this information the Inspector-General ordered the despatch of extra police force from Chittagong to Noakhali. When I refer to Head Constables and constables I refer to the armed police. So ultimately you will find that 450 armed police were sent to that area. They started arriving at Feni on the 13th October and proceeded to Ramganj. One Sub-Inspector, 3 Head Constables and 30 constables of Bakarganj arrived on the 14th October and one Sub-Inspector, 4 Head

Constables and 50 constables from Alipore left by Chittagong Mail for Noakhali. The Deputy Inspector-General, Rajshahi, was ordered to depute 4 Head Constables and 50 constables to Tippera immediately. They arrived at Feni on the 13th. Two platoons also arrived at each of these two places. Now you will see, Sir, the steps that Government took and how soon the situation was brought under control. I will say one single sentence about Bihar just to point out what steps we took to control the situation. I mention this only to show how soon we brought the situation under control. (Mr. LALIT CHANDRA DAS: In how many days?) In 6 days. On the 10th the trouble started and after the 16th of October there was no incident in Noakhali and after 20th October there was no incident in Tippera. These were the steps that we took. The police opened fire in Begamganj killing 3 and arresting 5. In another place, Sir, there was no firing on the hooligans and thousands of people were murdered—

**Mr. BIJOY SINGH NAHAR:** Sir, can the Hon'ble Minister refer to the action of the other Government now?

**Mr. PRESIDENT:** The Hon'ble Minister had better not referred to the action of the other Government here.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I merely pointed out to you that this Government ——

**Mr. PRESIDENT:** It is better to depend on the merits of your own case.

**The Hon'ble Mr. H. S. SUHRAWARDY:** On the 14th October, Sir, the police opened fire at Sonaimuri wounding 3, of whom one died later. The Additional Superintendent of Police engaged a mob of looters on the night of the 13th and 14th October in Ramganj area and opened fire on the looters killing 5 and arresting 3. On the 16th October the Superintendent of Police, Tippera, reported by wireless that trouble had started in the Laksham area and the Deputy Inspector-General of Police, Burdwan Range, sent a force of 5 Head Constables and 50 constables (armed police) there early on the 17th morning. On the same day in addition to the 500 armed police already despatched to the disturbed areas of Noakhali and Tippera to supplement the numbers previously stationed in the two districts, an Indian Infantry Brigade Headquarters and a battalion each of the Punjab and Rajput regiments were sent there. On the same day two platoons of armed police at Dacca were ordered to proceed to Noakhali immediately. On the 16th of October the Inspector-General of Police left by air for Chittagong arriving there at 3 p.m. He discussed the situation there with the Commissioner of the Division, Deputy Inspector-General of Police and other local authorities and the provisional disposition of forces was agreed upon and preventive action was decided on the following lines, to stop trouble from spreading further and arrest the ringleaders and the hooligans. On the 17th of October the Inspector-General of Police accompanied by the Divisional Commissioner and other military officers flew over the affected area. It was decided that a joint military and police headquarters should be established at Chandpur and reconnaisance planes were constantly patrolling the affected areas. Special trains for the movement of troops were arranged. The Deputy Inspector-General was directed to tour the affected areas and arrangements were made for the posting of a Sub-Inspector to each military unit to co-ordinate police and military activities. On the 19th October His Excellency the Governor, myself and the Inspector-General of Police visited Feni and flew over the affected areas of the districts of Tippera and Noakhali. The Inspector-General returned to headquarters only on the 20th after supervising the arrangements. Two companies were despatched at once one to Chandpur and one to Laksham. On the 16th of October the Deputy Inspector-General had to open fire in the jurisdiction of Begumganj thana and disperse a mob. On the same day the police

opened fire on the unruly mobs in some places in the jurisdiction of Chandpur and Manipur police-stations with some casualties in killed and wounded. On the 15th and 16th the police opened fire on three occasions in Faridganj in Tippera district killing 5 and wounding 15. They again opened fire on the 19th of October in an area in Chandpur police-station killing 5 and wounding 10. There was firing at Ramganj on the 18th of October killing 1 and wounding some.

I hope the honourable members opposite are satisfied that drastic action was taken against the offenders and firing was resorted to whenever the occasion arose for it. The Inspector-General left Calcutta on the 22nd October and visited Comilla and Chandpur to discuss the situation. Arrangements for the despatch of troops were made. The police opened fire five times on the 18th October in Ibrahimpur, in Chandpur police-station killing 2 and wounding some. This is the state of affairs, Sir. Everything was done as soon as information reached the authorities and armed police were sent from all parts of Bengal to the affected areas and the military were also mobilised and they took action wherever they found violence taking place. Not only did they open fire on such occasions but they prevented trouble from spreading further for which they traversed the whole area as much as was possible under the circumstances.

I think, Sir, this compares very favourably with any action that any Government could have taken in the matter. Then after that, Sir, we started taking steps for the purpose of rehabilitation of the refugees. Reference has been made to Mahatma Gandhi's visit over there. Mahatma Gandhi, Sir, has gone there with the object of restoring confidence among the Hindus. He has gone there to speak to them and to ask them to come back. This is the policy of this Government as well, Sir, that there should be rehabilitation and that the Hindus should go back to the areas where their homes are and should not be frightened.

When I went to Noakhali and Tippera I met huge crowds of Mussalmans and there was unanimity amongst them that the Hindus should come back, and they guaranteed them protection and said that their own lives would be forfeited if anything happened to the Hindus. Unfortunately, at that time there were quite a large number of persons posing as volunteers of various organizations, who, while we were making arrangements for the Hindus to come back, were instructing them not to do so, and were even encouraging exodus, so much so, that even on the day that Mahatma Gandhi arrived over there, there was general exodus of Hindus from those areas. If the Hindus could trust the Muslims sufficiently, the Muslims in their turn guaranteed them protection. So, it will be seen that it was not the Muslim community as a whole that was responsible, it was not a general uprising of the Muslim community against a minority community. I am absolutely confident and you will also honestly admit that had it not been so, the incidents would not have been as restricted as they were in magnitude and extent.

Sir, I think it is right and proper that I should place before the House the extent of the damage, for Government have nothing to conceal and I have no desire to conceal, let the world know and compare and then judge. Sir, a great deal has been said of the extent of the damage caused by these incidents. Sir, let me say at once that the damage caused by these incidents of cruelty and heartlessness performed by an aggressor community, namely, what took place in Noakhali, pales into insignificance compared with what was done in other and different parts of the country. Let me also say that this speaks volumes for the Muslim nation and the Muslim people at Noakhali. Let me tell you, Sir, that only 418 villages, 240 in Noakhali and 178 in Tippera were affected. Of the number of persons killed and we have taken a complete tally over and over again on this point, because we have given every consideraation even to rumours of complaint, and have tried to check them up. I placed two judicial officers on special

duty for the purpose of assessing for themselves what actually took place. They were judicial officers of the highest integrity and impartiality and they reported.....(interruptions). (ONE HONOURABLE MEMBER: Who were they? But after all they were your own officers.) Yes, they were our own officers but I may repeat that they are officers of the highest integrity and impartiality. Their names are Mr. E. Simpson, I.C.S., and Mr. R. Gupta, I.C.S. I will deal in detail with Mr. Simpson's report when I come to that part. It is in their report and we have checked up those reports over and over again, and as a matter of fact, I am giving you more than what they gave us, that in Noakhali 145 men were killed and in Tippera 37, total 182. Just compare this figure with the figure ascribed by my friends on the other side, which is in thousands, and tens of thousands. Respectable leaders of the Congress party startled the world by saying that as many as 5,000 Hindus had been killed, and precipitated incidents elsewhere. The number of persons injured in Noakhali is not known but it was small, and in Tippera it was 50, which included 30 Muslims. As regards abduction, and here I am also pointing out about forcible marriages, I may tell you, Sir, that this has been checked up not merely on the wild statements of the people but on reports. If in this connection I say that only ten persons came and complained, and they speak in terms of thousands and millions, then I am afraid they are on the wrong side of the stile. Abductions in Noakhali were ten in number, in Tippera nil. (Cries of "ridiculous" from opposition benches.) Let me tell you again, Sir, that those persons who say that it is ridiculous are doing so without knowledge or without their books. Besides, there is no question of report here. It is a question of complaints made before police officers and in court; in court hundreds and thousands of cases might have been brought against Mussalmans but there has not been anything of the kind. If there were anything on merits then the aggrieved people would have all come to the court and there would be many such people. A large number of these reports were manufactured in these refugee camps, many of them in one handwriting by the same persons and the names underneath strung together. From the very first information report it was apparent that the people whose names were there were not at all present there. The report says number of forcible marriages in Noakhali two, and in Tippera nil, and if anybody amongst the gentlemen sitting here can produce one more case I promise to look into it and to have it thoroughly investigated. Then, Sir, the number of rapes in Noakhali is nil, Tippera nil; there was no specific information about it. With regard to Mr. Simpson's report he has not reported as a fact that 300 women were found by him to have been raped. How can that be when they were mostly old men and women and children? Mr. Simpson said that Hindus came to him and complained and he put down the complaints. The complaint was general and vague, but not a single individual case was mentioned about rape. Then, Sir, these two judicial officers, Mr. Simpson and Mr. Gupta, went from place to place, from village to village, enquiring about any specific cases and I think the members opposite cannot challenge the report of these two officers sitting here and knowing nothing about it. Then, Sir, with regard to conversions I must say that there was a good deal of conversion. But no one there believes in this conversion and was serious about it and now Hindus there are going about in their Hindu costume and Hindu form and the feeling that they were converts has altogether vanished. Neither Hindus nor the Muslims in those areas think that these were genuine conversions. Now, Sir, if I compare this position with what took place in Bihar from where I have got reports from persons who have been to Bihar.....

**Mr. LALIT CHANDRA DAS:** On a point of order, Sir. Is he entitled to mention about Bihar when he himself was against it?

**Mr. PRESIDENT:** Mr. Suhrawardy, you had better avoid it.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I was requesting the members opposite to go to Bihar and.....(here the Hon'ble Chief Minister having reached time limit resumed his seat).

**Mr. PRESIDENT:** Order, order. .....

**Mr. NAGENDRA NATH MAHALANOBISH:** Sir, may I reply?

**Mr. PRESIDENT:** No, you have no right of reply.

The question before the House is that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has been arisen due to the terrible atrocities committed upon the Hindus in the district of Noakhali and Tippera in October and November last when large number of Hindus, men, women and children, were brutally killed—their properties looted, houses burnt, women abducted, raped and forcibly married and thousands of them forcibly converted to Islam by well-organised bands of Muslim hooligans under a premeditated plan and the failure of the Government to prevent or promptly check the same or to render timely assistance to the people affected and to make adequate provisions for the protection and rehabilitation of the refugees who were rendered homeless and penniless by these disturbances.

The motion was put and a division taken with the following result:—

**AYES—15.**

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Bankim Chandra Dutta.
Mr. Kamini Kumar Dutta.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maitra.
Mr. Haridas Majumdar.
Mr. Nagendra Nath Mohalanabish.
Mr. Bijoy Singh Nahar.
Rai Bahadur Jogendra Nath Ray.
Mr. Biren Roy.
Mr. Biswanath Roy.
Mr. Patiram Roy.
Mr. B. K. Roy Chowdhury.
Mr. Charu Chandra Sanyal.

**NOES—23.**

Mr. Sultanuddin Ahmed.
Rai Bahadur D. L. Barua.
Mr. Reajuddin Bhuiya.
Mr. Chowdhury Moazzem Hossen.
Mr. Hamidul Huq Chowdhury.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. Yusuf Ali Chowdhury.
Mr. D. J. Cohen, O.B.E.
Khan Bahadur Sk. Fazal Ellahi.
The Hon'ble Mr. Abdul Gofran.
Khan Bahadur A. M. Shahoodul Haque.
The Hon'ble Mr. Saiyed Moazzamuddin Hosain.
Mr. Latafat Hossain.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latiff.
Mr. Tarak Nath Mukherjee.
Khan Bahadur Ghyasuddin Pathan.
Khan Bahadur Mukhlesur Rahman.
Mr. Abdur Rashid.
Mr. Amluyadhone Roy.
Mr. Md. Taufiq.
Haji Md. Yusuf.

The Ayes being 15 and the Noes 23 the motion was lost.

**Mr. PRESIDENT:** The House stands adjourned till 2-15 p.m. tomorrow.

## Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 7th February, 1947.

## Members absent.

The following members were absent from the meeting held on the 6th February 1947:—

(1) Mr. Abdulla-al-Mahmud,
(2) Mr. Nur Ahmed,
(3) Khan Bahadur Syed Abdur Rashid Chowdhury,
(4) The Hon'ble Mr. Abdul Gofran,
(5) Sir Md. Azizul Haque, Khan Bahadur,
(6) Mr. Mungturam Jaipuria,
(7) Mr. Humayun Z. A. Kabir,
(8) Alhaj Yar Ali Khan,
(9) Mr. Syed Abdul Majid,
(10) Mr. George Morgan, C.I.E.,
(11) Mr. T. B. Nimmo,
(12) Dr. Kumud Sankar Ray,
(13) Mr. Satish Chandra Sen and
(14) Dr. Kasiruddin Talukdar.

BGP-4718-2855A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947—No. 3.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 7th February, 1947, at 2-15 p.m. being the third day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTIONS AND ANSWERS

**Mr. KAMINI KUMAR DUTTA:** Sir, may I mention one thing. It seems that there will be a general strike on Monday next. There would be bus strike also and it will be very inconvenient for the members to attend the meeting——

**Mr. PRESIDENT:** Please mention it after the questions are over. We shall now take up questions.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, the Hon'ble Minister for Civil Supplies may be late for a few minutes so questions Nos. 32 and 33 may be held over.

**Mr. LALIT CHANDRA DAS:** Sir, these questions have been held over since 1944.

**Mr. PRESIDENT:** These questions may be held over for a few minutes more.

### Allowance to security prisoners.

**34. Rai Bahadur BROJENDRA MOHAN MAITRA (on behalf of Mr. Humayun Kabir):** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state the amount of allowance sanctioned for each of the following security prisoners, viz.—

(*i*) Mr. Jogendra Chandra Dutta, in the Dacca Jail;

(*ii*) Mr. Phanindra Bikas Das Gupta, detained in the Dacca Jail;

(*iii*) Mr. Amalendu Bikas Das, detained in the Dacca Jail;

(*iv*) Mr. Tarakeshwar Prasad Sinha, detained in the Dum Dum Jail;

(*v*) Mr. Santosh Kumar Bhattacharyya, detained in the Faridpur Jail;

(*vi*) Mr. Hariganga Basak, detained in the Dacca Jail;

(*vii*) Dr. Suresh Chandra Dhar, detained in the Mymensingh Jail;

(*viii*) Mr. Gouranga Chandra Das, detained in the Faridpur Jail;

(*ix*) Mr. Bejoy Narayan Roy, detained in the Mymensingh Jail;

(*x*) Swami Jnanananda, detained in the Buxa Special Jail; and

(*xi*) Dwijendra Nath Sen Gupta, detained in the Alipore Central Jail?

(*b*) When were the allowances sanctioned in respect of each of these security prisoners?

**Mr. ABDUR RASHID, Parliamentary Secretary (on behalf of the Minister in charge of the Home Department):** (*a*) (*i*) and (*b*) Rs.10 per month with effect from the 12th April, 1942. Enhanced to Rs.15 per month with effect from the 1st April, 1943. Finally enhanced to Rs.30 per month with effect from the 1st July, 1944.

(*ii*) Rs.15 per month with effect from the 26th March, 1942. Enhanced to Rs.20 per month with effect from the 1st August, 1942. Further enhanced to Rs.50 per month with effect from the 1st April, 1943. Finally enhanced to Rs.70 per month with effect from the 1st June, 1945.

(*iii*) Rs.20 per month with effect from the 26th October, 1942. Enhanced to Rs.30 per month with effect from the 1st September, 1943.

(*iv*) Government did not receive any representation from the security prisoner regarding his family allowance and no allowance was granted.

(*v*) Rs.30 per month with effect from the 26th December, 1942. Enhanced to Rs.40 per month with effect from the 1st April, 1943. Finally enhanced to Rs.50 per month with effect from the 1st April, 1944.

(*vi*) Rs.20 per month with effect from the 28th November, 1942. Enhanced to Rs.30 per month with effect from the 1st April, 1943. Finally enhanced to Rs.40 per month with effect from the 1st April, 1945.

(*vii*) Rs.30 per month with effect from the 7th May, 1942. Enhanced to Rs.40 per month with effect from the 1st September, 1942. Further enhanced to Rs.60 per month with effect from the 1st April, 1943. Finally enhanced to Rs. 70 per month with effect from the 1st May, 1944.

(*viii*) Rs.15 per month with effect from the 28th November, 1942.

(*ix*) Rs.15 per month with effect from the 7th September, 1942. Enhanced to Rs.20 per month with effect from the 1st April, 1943. Finally enhanced to Rs.25 per month with effect from the 1st February, 1944.

(*x*) Rs.30 per month with effect from the 1st April, 1945.

(*xi*) Rs.10 per month with effect from the 16th March, 1943. Enhanced to Rs.40 per month with effect from the 1st April, 1943.

**Mr. BIREN ROY:** In respect to the answer given to item No. (*viii*), namely, "Rs.15 per month with effect from the 28th November, 1942", will the Parliamentary Secretary please state whether it is possible for a man to live on Rs.15 per month and whether the Government will consider reviewing this case?

**Mr. ABDUR RASHID:** Sir, may I point out that there are no more security prisoners in jail, all having been since released, and as such, Mr. Biren Roy's question does not arise.

### Road from Satkania Munsiff's Court to Banskhali.

**35. Khan Bahadur A. M. SHAHOODUL HAQUE (on behalf of Mr. Alhaj Yar Ali Khan):** (*a*) Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state whether the Government propose to construct a motorable road from Satkania Munsiff's Court to Banskhali which is within the jurisdiction of the said Munsiffi and Satkania *khas mahal* to facilitate conveyance of the litigant public and touring officers at Chittagong?

(*b*) Are the Government aware of estimates made on many occasions previously by the District Engineer, District Board, for erection of Dalu Bridge for communication between Satkania and Banskhali police-stations, Chittagong, and what was the estimated amount?

(*c*) When do the Government propose to take up the construction work of the said important bridge between the two police-stations?

**MINISTER in charge of the DEPARTMENT of HEALTH and LOCAL SELF-GOVERNMENT (the Hon'ble Mr. Mohammed Ali):** (*a*) The post-war road plan of the Chittagong district includes proposal for construction of a motorable road in the area mentioned.

(*b*) Yes, Rs.38,653.

(*c*) It depends upon the priority which may be allotted to this work. This has not been done till now.

## Non-Government College at Jalpaiguri.

**36. Mr. CHARU CHANDRA SANYAL:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) if the Government are aware of the existence of a non-Government college, named A. C. College, in the town of Jalpaiguri;

(*b*) if the Government desire to make some grant to this college for purchasing scientific apparatus;

(*c*) if the Government have prepared a statement of the names of colleges and the amount of contribution proposed to be given to each out of the budget of Rs.2,84,000 if passed by the Legislature under the head "Furniture and equipment grants and other grants to the non-Government Arts Colleges"; and

(*d*) if so, if he will place a statement before this House?

**MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Saiyed Muazzamuddin Hosain):** (*a*) Yes.

(*b*) In 1946-47 Government sanctioned the payment of a grant of Rs.750 for laboratories and Rs.750 for library to the college.

(*c*) and (*d*) The budget provision of Rs.2,84,000 includes Rs.2,10,000 for payment of dearness allowance to non-Government colleges and Rs.74,000 for furniture and equipment grants to such colleges.

The college is being paid the usual dearness allowance. A statement regarding distribution of furniture and equipment grants is laid on the Table.

*Statement referred to in reply to question No. 36, showing the distribution of furniture and equipment grants to colleges for the year 1946-47 (amount Rs.74,000).*

| Serial No. | Name of College. | Amount |
|---|---|---|
| | | Rs. |
| 1. | A. M. College, Mymensingh | 1,750 |
| 2. | Ashutosh College | 2,750 |
| 3. | Bangabasi College | 2,750 |
| 4. | Bankura College | 1,500 |
| 5. | B. M. College, Barisal | 2,000 |
| 6. | Burdwan Raj College | 1,750 |
| 7. | Charmichael College, Rangpur | 1,750 |
| 8. | City College | 2,250 |
| 9. | Daulatpur College | 2,000 |
| 10. | Feni College | 1,000 |
| 11. | Edward College, Pabna | 1,750 |
| 12. | Narasinha Dutta College | 1,750 |
| 13. | Saadat College | 1,250 |
| 14. | K. C. College, Hetampore | 1,000 |
| 15. | K. N. College, Berhampore | 1,500 |
| 16. | Midnapore College | 1,750 |
| 17. | P. K. College, Contai | 1,000 |
| 18. | P. C. College, Bagerhat | 1,500 |
| 19. | Ripon College | 2,500 |
| 20. | Scottish Church College | 2,750 |
| 21. | Serampore College | 1,000 |
| 22. | St. Joseph's College, Calcutta | 500 |

| Serial No. | Name of College. | Amount. |
|---|---|---|
| | | Rs. |
| 23. | St. Paul's College, Calcutta | 1,750 |
| 24. | St. Xavier's College, Calcutta | 2,500 |
| 25. | Uttarpara College | 1,500 |
| 26. | Vidyasagar College | 2,750 |
| 27. | Sir Asutosh College | 1,750 |
| 28. | Bogra College | 1,250 |
| 29. | Serajganj College | 1,000 |
| 30. | Ramkrishna Mission Vidyamandir | 1,500 |
| 31. | Jessore College | 750 |
| 32. | Chakhar F. Huq College | 1,750 |
| 33. | Ramdia Sree Krishna College | 1,250 |
| 34. | Manindra Chandra College, Calcutta | 1,000 |
| 35. | S. U. M. Institution | 250 |
| 36. | A. C. College, Jalpaiguri | 1,500 |
| 37. | Chaumuhani College | 1,250 |
| 38. | Kishoreganj College | 750 |
| 39. | Manickganj College | 750 |
| 40. | Kalna College | 500 |
| 41. | Charmichael Medical College | 750 |
| 42. | Malda College | 750 |
| 43. | Asansol College | 1,000 |
| 44. | Haraganga College | 1,500 |
| 45. | Victoria College, Comilla | 1,750 |
| 46. | Victoria College, Narail | 1,000 |
| 47. | St. Joseph's College, Darjeeling | 750 |
| 48. | Rajendra College, Faridpur | 1,000 |
| 49. | Ramananda College, Bishnupur | 1,000 |
| 50. | Ananda Ram Jaipuira College, Calcutta | 1,000 |
| 51. | Victoria Institution, Calcutta | 1,500 |
| 52. | St. Helen's College, Kurseong | 500 |
| | | 74,000 |

**Mr. LALIT CHANDRA DAS:** Why is the grant for laboratory to the A. C. College, Jalpaiguri, so low—only Rs.750?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Well, in your opinion it may be low but in other's opinion it may be reasonable or high. Neither is it possible to meet the full requirements of every college from the finances we have got at our disposal.

**Mr. LALIT CHANDRA DAS:** When you say that the requirements of the colleges cannot be met from your finances can you explain how you could allot Rs.10,00,000 for Muslim education?

**Mr. PRESIDENT:** I do not think that question really arises.

**Mr. LALIT CHANDRA DAS:** It arises in this way, Sir, because the Hon'ble Minister said that he could not meet the requirements of the colleges in respect of laboratories, libraries, etc., from the finances at his disposal and therefore I ask, Sir, how it could be possible for him to make an allotment of 10 lakhs of rupees for Muslim education?

**Mr. PRESIDENT:** That is an argument; it is not a question.

**Mr. LALIT CHANDRA DAS:** All right, Sir, I shall put it in the form of a question like this. In view of the fact that an allotment of 10 lakhs of rupees could be made in the budget for Muslim education, why could not the Hon'ble Minister consider the claims of so many colleges in respect of their requirements and how could he make such a low allotment of Rs.750 towards the laboratory for the A. C. College at Jalpaiguri?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** How do you say it is low? I have not got the demand made by this college before me, nor those made by other colleges, and I do not know if there was any specific demand at all from the college in question.

**Mr. LALIT CHANDRA DAS:** Then how could you at all make allotments if you did not know anything about the demands made?

**Mr. NAGENDRA NATH MAHALANOBISH:** Is the Hon'ble Minister aware that the A. C. College, Jalpaiguri, is one of the most infant institutions amongst the colleges in Bengal?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** That may be.

**Mr. NAGENDRA NATH MAHALANOBISH:** Is the Hon'ble Minister aware that it is extremely difficult for this infant institution to carry on without much more help than has already been granted to it?

**The Hon'ble Mr. MUAZZAMUDDIN HOSAIN:** No, Sir, I am not aware. There are very wealthy people in the district of Jalpaiguri, and I think that if they contribute and make donations to this institution generously, it could be run very efficiently.

**Mr. NAGENDRA NATH MAHALANOBISH:** Is he aware that Jalpaiguri people have granted handsome donations to this college and have established the college at great expense and that what they want is only a maintenance grant to carry on its ordinary activities, that is, a few thousands? Will the Hon'ble Minister please enquire of the institution as to what is its deficit?

**The Hon'ble Mr. MUAZZAMUDDIN HOSAIN:** No, Sir. I am not prepared to enquire into whether they have any deficit or its extent. They can apply for grants according to the rules, and it will then be certainly taken into consideration.

### Excavation of the Damodar Canal.

**37. Mr. HARIDAS MAZUMDAR:** Will the Hon'ble Minister in charge of the Department of Irrigation and Waterways be pleased to state—

(*a*) if his attention has been drawn to a leading article in a Perojpur weekly, dated 14th April, 1946, regarding nature of the work of excavation of the Damodar Canal off Perojpur in the district of Bakarganj;

(*b*) if so, what steps the Government have taken to stop the work at a time of the season when such work is next to impossible and further to make good the damage done in connection with the said excavation work;

(*c*) the reasons for not undertaking the excavation works of the Feeder *khals* along with the excavation work of the Damodar;

(*d*) the names of the contractors employed in this connection;

(*e*) in view of the report referred to in part (*a*) standing uncontradicted if the Government proposed to institute legal proceedings against the contractors concerned; and

(*f*) if not, why not?

**MINISTER in charge of the DEPARTMENT of IRRIGATION and WATERWAYS (the Hon'ble Mr. Tarak Nath Mukherjea):** (*a*) and (*b*) Yes. The work was taken up according to specifications and was suspended on the 15th June, 1946, on account of rains. No damage was caused.

(*c*) Due to shortness of time before the start of the rains the work of excavation of the Feeder *khals* could not be taken up along with the work of the main Damodar *khal*

(*d*) The names are—

(1) Maulvi Md. Serajul Huq.

(2) Maulvi Md. Ismail.

(3) Maulvi Md. Hashem Khan.

(4) Maulvi Nuruddin Ahmed.

(5) Babu M. L. Sarkar.

(6) Babu Khitish Chandra Ghosh.

(7) Babu Jagadish Chandra Pal.

(8) Babu Rohini Kanta Biswas.

(*e*) and (*f*) Do not arise.

**Mr. HARIDAS MAZUMDAR:** Arising out of (*c*) will the Hon'ble Minister please let us know if before this work is taken up again the feeder khals will also be taken up along with it?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Sir, I could not follow the question.

**Mr. PRESIDENT:** Will Mr. Mazumdar please repeat his question?

**Mr. HARIDAS MAZUMDAR:** My question is this: Regarding the excavation of the feeder khals the work has been stopped and could not be taken up along with the work of the main Damodar Khal. Will the Hon'ble Minister please state whether the excavation of these feeder khals will be taken up along with the re-excavation of the main canal.

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Naturally, in due course it will be taken up.

### Permanently-settled estates in Bengal.

**38. Khan Bahadur A. M. SHAHOODUL HAQUE (on behalf of Mr. Alhaj Yar Ali Khan):** (*a*) Will the Hon'ble Minister in charge of the Department of Land and Land Revenue be pleased to state—

(*i*) the number of permanently-settled estates in different districts of Bengal; and

(*ii*) the dates of their creation in different districts with the terms thereof?

(*b*) Is it not a fact that the number of permanently-settled estates in Chittagong is comparatively great?

(*c*) When were the following permanently-settled estates of Chittagong originally created and were they created in the time of East India Company or in the time of Queen Victoria:—

(*i*) Taraf Aliar Khan, bearing touzi No. 51 of Chittagong Collectorate;

(*ii*) Taraf Bhikan, bearing touzi No. 587 of Chittagong Collectorate;

(*iii*) Taraf Jabardasta Khan, bearing touzi No. 1281 of Chittagong Collectorate; and

(*iv*) Taraf Ramchand, bearing touzi No. 2463 of Chittagong Collectorate?

**Mr. ABDUR RASHID, Parliamentary Secretary (on behalf of the Minister in charge of the Department of Land and Land Revenue):** (*a*)(*i*) A statement is laid on the Table.

(*ii*) The information is not readily available and its collection would entail so much time, labour and expense that Government regrets that it is not prepared to undertake the task.

(*b*) Yes.

(*c*) In 1793 at the time of the East India Company

*Statement referred to in reply to question No. 38.*

| District. | | Number of permanently-settled estates. |
|---|---|---|
| Burdwan Division— | | |
| Burdwan | ... | 4,845 |
| Birbhum | ... | 1,135 |
| Bankura | ... | 1,529 |
| Midnapore | ... | 2,727 |
| Hooghly | ... | 2,861 |
| Howrah | ... | 906 |
| Presidency Division— | | |
| 24-Parganas | ... | 1,671 |
| Nadia | ... | 2,172 |
| Murshidabad | ... | 2,219 |
| Jessore | ... | 2,487 |
| Khulna | ... | 928 |
| Dacca Division— | | |
| Dacca | ... | 11,202 |
| Mymensingh | ... | 10,125 |
| Faridpur | ... | 5,913 |
| Bakarganj | ... | 3,228 |
| Chittagong Division— | | |
| Chittagong | ... | 28,156 |
| Tippera | ... | 3,540 |
| Noakhali | ... | 1,547 |
| Rajshahi Division— | | |
| Rajshahi | ... | 1,860 |
| Dinajpur | ... | 1,097 |
| Jalpaiguri | ... | 77 |
| Rangpur | ... | 683 |
| Bogra | ... | 665 |
| Pabna | ... | 1,902 |
| Malda | ... | 760 |
| Darjeeling | ... | 4 |
| Total | ... | 94,239 |

**Non-abolition of zemindary system in Chittagong.**

**39. Khan Bahadur A. M. SHAHOODUL HAQUE (on behalf of Mr. Alhaj Yar Ali Khan):** Will the Hon'ble Minister in charge of the Department of Land and Land Revenue be pleased to state—

(*a*) what effect has been given to the resolution passed on the 1st June, 1945, by the Chittagong Landlords' Association and sent on the 5th July, 1945, to the Chief Secretary, Government of Bengal, by the Secretary of the said Association for non-abolition of the zemindary system in Chittagong on the ground that no profit has been allowed to them as has been given to those of other districts of Bengal;

(*b*) what were the Government revenue, cess and education cesses payable in Taraf Aliar Khan, bearing touzi No. 51 of the Chittagong Collectorate;

(*c*) when and for what amount the Government purchased the said taraf; and

(*d*) whether the Government are aware that by the abolition of zemindary system of Chittagong the Government will be loser?

**Mr. ABDUR RASHID, Parliamentary Secretary (on behalf of the Minister in charge of the Department of Land and Land Revenue):** (*a*) The resolution of the Association is not acceptable to Government.

| | | Rs. | a. | p. |
|---|---|---|---|---|
| (*b*) Land Revenue | ... | 1,600 | 9 | 0 |
| Cess | ... | 438 | 2 | 6 |
| Education cess | ... | 572 | 11 | 6 |

(*c*) The taraf was sold on the 15th March, 1943, for the arrear revenue of Rs.1,411-9-9 and was purchased by Government for Re.1.

(*d*) No.

**Representation of the Bengal Legislative Council to the Public Accounts Committee.**

**40. Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) whether he declared on the floor of the Council that the Government had decided to give two seats to the Council on the Public Accounts Committee;

(*b*) whether he further stated that the mode in which those two members would be taken in the said Joint Committee of both the Houses would be determined by the Hon'ble the Speaker and the Hon'ble the President;

(*c*) whether he is aware if they met and decided the method of incorporating those two members; and

(*d*) when will the Public Accounts Committee meet with the two members of the Council and when will the Government's decision be given effect to?

**MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Mohammed Ali):** (*a*) and (*b*) Yes.

(*c*) In the meeting which was held for this purpose certain legal difficulties in the way of amendment of the rules were considered and it was decided to refer the matter to the Advocate-General for his opinion. Necessary action has accordingly been taken.

(*d*) As already explained, final action will have to await receipt of Advocate-General's opinion.

**Mr. LALIT CHANDRA DAS:** When was the opinion of the Advocate-General sought?

**The Hon'ble Mr. MOHAMMED ALI:** I ask for notice.

**Mr. NAGENDRA NATH MAHALANOBISH:** Will the Hon'ble Minister please state as to what was really the legal difficulty involved in this matter?

**The Hon'ble Mr. MOHAMMED ALI:** The difficulty is with regard to the implication of the tentative decision which was taken by Government and which was announced to the Council. Since then the Legislative Department felt that there are a lot of difficulties in having a joint committee because the Government of India Act, 1935, did not provide for placing finance matters or matters dealing with accounts before the Upper House. They also felt that there was no provision in the Procedure Rules for anything of the kind. No joint committee was ever contemplated. So these are the difficulties pointed out by the Legislative Department. There was no provision in the Rules of Procedure for having any kind of Joint Committee. This fact was pointed out by the Legislative Department previously when Government had obtained the opinion of, I think, either the

Legal Remembrancer or some other legal officer of the Government that it was possible to have a Joint Committee because there is nothing in the Government of India Act and the rules framed thereunder to debar the formation of such a Joint Committee. But the Legislative Department held a different view and therefore we have had to take legal opinion after showing the precis of the memorandum to the Legislative Department which was forwarded by the joint conference of the Hon'ble President, the Hon'ble Speaker, the Finance Minister and presided over by the Hon'ble President. It was decided at the conference that a precis should be submitted to the Hon'ble President of the Council and the Hon'ble Speaker of the Assembly and that is why there is some delay. We had to refer it to the Hon'ble President who sent it back with certain observations and then it had to go to the Legislative Assembly and that is why there has been some delay.....

**Mr. HARIDAS MAZUMDAR:** Will the Hon'ble President throw some light on the point as his name has been dragged in the matter?

**Mr. PRESIDENT:** What the Hon'ble Finance Minister has said is substantially correct. We met at a joint meeting of the Hon'ble Speaker, myself and the Hon'ble Finance Minister and we were informed there that the Legislative Department pointed out certain legal difficulties in forming a joint committee. It was then decided at the meeting that the matter should be referred to the Advocate-General with regard to that particular point.....

**Mr. HARIDAS MAZUMDAR:** When, Sir?

**Mr. PRESIDENT:** Some time ago, I do not remember, I think in January.....

**Mr. HARIDAS MAZUMDAR:** This year?

**Mr. PRESIDENT:** Yes.

**Mr. HAMIDUL HUQ CHOWDHURY:** Why was it found necessary to refer the matter to Advocate-General? Was it necessary because of its validity when it comes from the Advocate-General?

**Mr. PRESIDENT:** The point is this that the Legislative Department pointed out that the Government of India Act did not contemplate formation of a Joint Committee of the Public Accounts of both Houses—it is *ultra vires* of the Government of India Act. That was the contention of the Legislative Department and on that point reference was made to the Advocate-General.

**Mr. HAMIDUL HUQ CHOWDHURY:** Are not the members of this House competent to do so.....

**Mr. ABDULLA-AL-MAHMOOD:** What was the specific legal objection in the matter?

**Mr. PRESIDENT:** May I make a suggestion? If you come over to my room I shall get hold of the papers and discuss the matter with you and explain the whole position.

**Mr. LALIT CHANDRA DAS:** May I know from the Hon'ble Minister if he proposes to request the Advocate-General to expedite the reply?

**The Hon'ble Mr. MOHAMMED ALI:** I shall certainly try to expedite the matter. But I may say that no harm has been done by the delay; because the Accounts for the previous year have already been passed by His Excellency the Governor during section 93 regime and there has not been any Public Accounts Commitee of the Legislature.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister implement his promise regarding the allotment of two seats to the members of the Council on the Public Accounts Committee?

**Mr. PRESIDENT:** May I just request you, Mr. Das, to wait patiently and let us meet and discuss this matter in my room. I think that will be much better and we would be able to discuss the whole matter there.

**Mr. HARIDAS MAZUMDAR:** If this question is not settled before the Budget is placed, we shall not take any part in the Budget discussion.

**Mr. BIREN ROY:** The Hon'ble Minister cannot say even now where the matter stands at present.

**Mr. PRESIDENT:** I can assure you that the Hon'ble Minister is very helpful in the matter.

**Mr. HARIDAS MAZUMDAR:** Sir, the prestige of the whole House is involved in this question. It is not a question of any party here. The matter must be settled before the Budget is presented to this House.

**Mr. PRESIDENT:** I would request you to come to my room to discuss this matter.

Now, as regards question No. 41, the Hon'ble Minister-in-charge wanted to read the answer himself. Unfortunately, he is absent. So let the question be held over. We may take up question No. 32.

### Sale of stock of pulses by Government.

**32. Mr. LALIT CHANDRA DAS:** (*a*) Will the Hon'ble Minister in charge of the Department of Civil Supplies be pleased to state whether in the month of March, 1944, tenders were invited by advertisements in the local newspapers for the sale of pulses (*dal*) by the Government?

(*b*) Why were the pulses sold and what was the total quantity offered for sale?

(*c*) At what prices were these pulses purchased and at what prices were these disposed of?

(*d*) Did the Government incur any loss by such transactions, and if so, what was the amount of the loss?

(*e*) Is it a fact that the pulses sold to the Calcutta traders were of a very bad quality?

**MINISTER in charge of the DEPARTMENT of CIVIL SUPPLIES (the Hon'ble Mr. Abdul Cofran):** (*a*) Yes.

(*b*) The pulses were offered for sale, because of—

(*i*) poor offtake; and

(*ii*) the apprehension, that unless quickly disposed of, these might be a total loss to Government.

The quantity offered for sale was 479,159 maunds.

(*c*) The average rate of procurement, taking all varieties into consideration, was Rs.14-8-3 per maund, and the average rate of sale was Rs.9-10-2 per maund.

(*d*) Government incurred a loss of Rs.23,38,395-11-11.

(*e*) Some portion of the grain had slightly deteriorated, but it would not be correct to say that the pulses sold to the Calcutta traders were of very bad quality.

**Mr. LALIT CHANDRA DAS:** In view of this terrible loss, did the Hon'ble Minister make any enquiry into the conduct of the officers who dealt with these pulses? Has any of these officers been brought to justice, dismissed or suspended?

**The Hon'ble Mr. ABDUL GOFRAN:** I have already stated in reply to part (*e*) that because the quality was somewhat bad therefore it had to be sold at a reduced rate. So, it was not the fault of any officer and hence no action has been taken.

**Mr. BIREN ROY:** Government say that some portion of the grain had slightly deteriorated. So, why the entire quantity was sold at a reduced price?

**The Hon'ble Mr. ABDUL GOFRAN:** It was unfit for consumption and therefore it was not thought necessary to keep any quantity left.

**Mr. HAMIDUL HUQ CHOWDHURY:** Obviously this happened at the time of the last Ministry. May I ask the Hon'ble Minister to find out from his Department as to the proportion of the grain that was slightly deteriorated. He said some portion had slightly deteriorated. In view of this answer what was the justification of putting the entire quantity in the market and thus incur an average loss of Rs.5-2 per maund making a total loss of Rs.23,38,395-11-11?

**The Hon'ble Mr. ABDUL GOFRAN:** I have already given my answer to that and it is in answer (*b*)(*i*) and (*ii*) as follows "because of poor offtake and the apprehension that unless quickly disposed of these might be a total loss to Government". Moreover this was an occurrence of 1944 and it is now useless, I think, to pursue this matter because it will be impossible to find out what portion of the stock had actually deteriorated.

**Mr. HAMIDUL HUQ CHOWDHURY:** The question is that even with the establishment of the Civil Supplies Department it could bring about the possibility of such sales at the loss of so much money to the Government of Bengal. Therefore an enquiry into the conduct of the officials of the department is essential because after all the Government had a Rationing Department running simultaneously and these could have been given to the public through this rationing department.

**The Hon'ble Mr. ABDUL GOFRAN:** I think no reply is necessary.

**Mr. HAMIDUL HUQ CHOWDHURY:** We want information whether the Minister will enquire into this matter more deeply to find out what was the exact reason why this entire quantity of *dal* was thrown into the market for sale enabling the dealers to purchase them at a very low price and to sell the same at their discretion at any price they liked.

**Mr. HARIDAS MAZUMDAR:** Was there any other consideration?

**The Hon'ble Mr. ABDUL GOFRAN:** No other consideration. I have already stated that the offtake was poor. However, if the members like that I should have an enquiry made I shall do so.

**Mr. HARIDAS MAZUMDAR:** The Hon'ble Minister stated that this stuff was not fit for human consumption, and if it was so .....

**The Hon'ble Mr. ABDUL GOFRAN:** I did not say that. Some portion had slightly deteriorated, that is what I said.

**Mr. HARIDAS MAZUMDAR:** Is it a fact that good quality *dal* has been sold at a reduced rate and if so, why?

**The Hon'ble Mr. ABDUL GOFRAN:** Well, because there was no offtake.

**Mr. HARIDAS MAZUMDAR:** What do you mean by offtake? Will you please explain it?

**The Hon'ble Mr. ABDUL GOFRAN:** There was no demand in the market.

**Mr. HARIDAS MAZUMDAR:** We were not getting *dal* and you say there was no demand in the market.

**Mr. PRESIDENT:** Mr. Mazumdar, you cannot go on arguing all the time.

**Mr. HARIDAS MAZUMDAR:** When was the pulse sold?

**The Hon'ble Mr. ABDUL COFRAN:** I have not got the information just now in my hand and would like to have notice for such information.

**Mr. LALIT CHANDRA DAS:** Will you enquire and let us know when was it sold?

**The Hon'ble Mr. ABDUL COFRAN:** Yes, if you want to have it, I shall make an enquiry and give you the information.

**Mr. LALIT CHANDRA DAS:** In reply to the question of Mr. Hamidul Huq Chowdhury the Hon'ble Minister said that he would make an enquiry if the members so desired. We desire it and will you please make the enquiry?

**Mr. HAMIDUL HUQ CHOWDHURY:** Is it not due to the fact that unduly high price was paid at the source that this huge loss has been incurred?

**Mr. PRESIDENT:** You are suggesting an answer; that is not a question.

**Mr. HAMIDUL HUQ CHOWDHURY:** Does the Hon'ble Minister know that sometimes at the instance of the departmental officers much higher price is paid than the material deserved to be paid.

**The Hon'ble Mr. ABDUL COFRAN:** No reply is necessary. Of course I shall make an enquiry and give the information to the honourable members.

**Mr. HARIDAS MAZUMDAR:** The Hon'ble Minister stated that a portion of the stuff which was not fit for human consumption was sold. For what purpose and to whom was this portion of the stuff sold?

**The Hon'ble Mr. ABDUL COFRAN:** I did not say that they were not fit for human consumption. What I said was this that "some portion of the grain had slightly deteriorated and as they were not unfit for human consumption then they were sold in the open market. That was the reply.

**Mr. LALIT CHANDRA DAS:** Will you please look at the question and realise that this is a question put in 1944 and is being answered today in the year 1947? Is it to avoid the public scandal of incurring a loss of more than 23 lakhs of rupees for nothing that the answer has been delayed so long?

**The Hon'ble Mr. ABDUL COFRAN:** I cannot give any reason for that, but I shall try to be more quick in giving replies to questions in future.

**Mr. HAMIDUL HUQ CHOWDHURY:** Will the Hon'ble Minister please ask his office as to the reason for this delay in sending this reply to the Minister?

**Mr. ABDULLA-AL-MAHMOOD:** Will the Hon'ble Minister please state whether the highest tender was accepted?

**The Hon'ble Mr. ABDUL COFRAN:** I want notice.

**Mr. ABDULLA-AL-MAHMOOD:** Will the Hon'ble Minister please state how many tenders were received by the department?

**The Hon'ble Mr. ABDUL GOFRAN:** I want notice.

**Mr. ABDULLAH-AL-MAHMUD:** Will the Hon'ble Minsiter please state whether he is willing to place on the floor of the House a statement showing the rate of each tenderer?

**The Hon'ble Mr. ABDUL GOFRAN:** Certainly.

**Mr. HAMIDUL HUQ CHOWDHURY:** Will the Hon'ble Minister please place all the papers before the House in connection with this transaction from the very beginning, from the purchase right down to the sale to traders through whom it was distributed to the public, and the manner in which it passed through to the traders from the department?

**The Hon'ble Mr. ABDUL GOFRAN:** They are available now.

**Mr. HAMIDUL HUQ CHOWDHURY:** Will the Hon'ble Minister please make a statement in regard to this important matter?

**Mr. BIJOY SINGH NAHAR:** Sir, the Hon'ble Minister has promised to make various statements: In that view the question may stand over.

**Mr. PRESIDENT:** When does the Hon'ble Minister propose to make a statement?

**The Hon'ble Mr. ABDUL GOFRAN:** It will require sometime certainly.

**Mr. PRESIDENT:** But could you not give me some idea?

**The Hon'ble Mr. ABDUL GOFRAN:** About the end of the session.

**Mr. HARIDAS MAZUMDAR:** But before the end of the session he may go out!

**The Hon'ble Mr. ABDUL GOFRAN:** Sir, these things happened in 1944: it will certainly require some time before I can make a statement.

**Mr. NAGENDRA NATH MAHALANOBISH:** Fifteen days is quite sufficient for the purpose.

**Mr. BIJOY SINGH NAHAR::** Sir, how can he bring forth any statement if this question does not stand over?

**Mr. PRESIDENT:** Well, the Hon'ble Minister can always make a statement, irrespective of any question.

**Quantity of old atta and flour lying with Government stockists in Calcutta.**

**33. Mr. LALIT CHANDRA DAS:** (*a*) Will the Hon'ble Minister in charge of the Department of Civil Supplies be pleased to state whether it is a fact that huge quantities of old *atta* and flour weighing about 150,000 maunds are lying with the Government stockists in Calcutta and that they have become unfit for human consumption?

(*b*) Where and how long were those bags of *atta* and flour stored and how could they become unfit for human consumption?

(*c*) At what prices were these bags of *atta* and flour purchased and at what prices are they going to be sold? What guarantee is there that the unscrupulous traders would not try to undermine the health of the community by selling them to the consumers after mixing them up with good quality *atta* and flour?

(*d*) What will be the Government loss by this transaction?

**The Hon'ble Mr. ABDUL GOFRAN:** (*a*) During 1943 and in 1944, 16,110 maunds of *atta* and 75,131 maunds of flour deteriorated in Calcutta and became unfit for human consumption.

(*b*) Due to emergent conditions prevalent in 1943 and early in 1944 when severe restrictions were imposed on transport due to urgent military requirements, the considerable time lag between the date of despatch and the date of arrival provoked deterioration during transit. Goods also arrived at a time when demand was no longer active as conditions had improved in 1944. It was also not possible for the Government to make immediate adequate arrangements for storage. In the circumstances it was inevitable that substantial quantities of wheat products which are shortlived and susceptible to deterioration, particularly in a humid climate, should have gone bad.

(*c*) The average purchase price of *atta* and flour were Rs.11-8 per maund of *atta* and Rs.14 per maund of flour. The condemned stocks were sold to recognised starch manufacturers; to preclude the possibility of the goods being disposed of for human consumption directly or as an adulterant, arrangements were made for the posting of inspectors to keep a watch on the progress of manufacture.

(*d*) The loss to the Government is estimated to be about Rs.10,00,000.

**Mr. HAMIDUL HUQ CHOWDHURY:** Will the Hon'ble Minister be pleased to state in view of the quality of atta that we are getting from the ration shops if it is not just possible that a large quantity of this condemned atta found its place into these ration shops from where we are getting our supplies?

**The Hon'ble Mr. ABDUL GOFRAN:** No, no.

**Mr. PRESIDENT:** Questions over.

## Adjournment motion.

**Mr. LALIT CHANDRA DAS:** Sir, I have an adjournment motion. May I read it.....

**Mr. PRESIDENT:** Order, order. Notice of an adjournment motion was given by Mr. Lalit Chandra Das to which I have given my consent. It runs as follows:—

That this Council do adjourn its business to discuss a definite matter of urgent public importance, and of recent occurrence, namely, the serious situation arising out of the unprovoked and unwarranted firing and lathi-charge by the police on the peaceful and unarmed students demonstration on "Viet-Nam" Day on the 21st January last, in front of the Senate House, Calcutta University (College Square, Calcutta) resulting in one student killed and 200 others injured of whom 21 received bullet wounds, including some lady students also.

**Mr. HAMIDUL HUQ CHOWDHURY:** Sir, I want to raise a question and it is this—does it fulfil the conditions of adjournment of the House, namely, you should decide whether it is urgent. Simply because certain occurrence has taken place it cannot be the subject of an adjournment motion. Is there any urgency about it.....

**The Hon'ble Mr. MOHAMMED ALI:** I may add, Sir, that the question for consideration is whether it is a matter of urgent public importance and of recent occurrence.

**Mr. PRESIDENT:** Yes, I have considered these points. It is of recent occurrence and "urgency" implies that it must be of recent occurrence.

**The Hon'ble Mr. H. S. SUHRAWARDY:** May I add, Sir, that the result of the occurrence must continue and it must have repurcussion.

**Mr. PRESIDENT:** I am afraid, not. It was a serious occurrence, it did occur in the recent past, and one person was killed and several persons

injured. So I think it is a matter of urgent public importance. I have considered all these points and following the precedents for allowing adjournment motions in this House I have allowed this adjournment motion.

**Mr. HAMIDUL HUQ CHOWDHURY:** Have you seen, Sir, the recent ruling of the Central Assembly.....

**Mr. PRESIDENT:** I do not think you should discuss this matter any further and try to go into the merits and demerits or refer to any observations or rulings of the Hon'ble President of the Central Assembly. In coming to a decision regarding admissibility of adjournment motions I always take into consideration the rulings of the Presiding officers of the Central Legislature. Now, is there any objection?

**The Hon'ble Mr. MOHAMMED ALI:** Sir, I object.

**Mr. PRESIDENT:** I would now request honourable members in support of the motion to rise in their places. As 13 honourable members have supported the motion, the mover has the leave of the House to move his motion. I fix Tuesday, the 11th February, at 2-15 p.m. for discussion of this adjournment motion.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, may I mention one thing in this connection. Government is most anxious to transact some important business in this House and we are placing before this House quite a large number of Bills which the House will have to consider but if adjournment motions such as these are moved from time to time, I regret to have to say that very important Government work is being hampered.

**Mr. LALIT CHANDRA DAS:** If the Government had managed their work properly there would not have been any necessity for bringing in these adjournment motions.

**Mr. PRESIDENT:** I would request both sides to reserve their observations till the motion is before the House.

## Address Motions.

**Mr. NUR AHMED:** Sir, when the House adjourned on the last occasion I was giving in brief the past history of the development of the ship building industry in India, particularly in Bengal. I cited some instances from the foreign travellers who visited Bengal in the 16th century. I showed at that time that many ships were built in Bengal. Sir, one of the famous Muslim Admiral Khairuddin Barbarosa said to Sultan Soleiman, the Magnificent that "He who rules the sea will shortly rule on the land also". The history of no country illustrates this principle better than that of India. As I said on that occasion that Indian shipping disappeared from the high seas in the 19th century. From 1840 it was monopolised by the foreign shipping. Admiral Fitz Herbert organised Indian Royal Navy on a large scale. With regard to the expansion of ships he produced a constructive programme by means of which ship building was going on in India. Ships were built in India during the last war. R.I.N. will consist of 250 ships. For R.I.N. a great national mercantile marine is necessary. The Indians demanded a mercantile marine of their own. This attempt of Indians to create a national mercantile marine was looked upon by the Government at first as a wastage of effort when the British Companies were there to perform the services more efficiently and perhaps at less cost. That is why the reply came from the then Government of India in 1941 that there was no necessity for the development of Indian shipping industry. The foreign interests in India looked upon it as an outstanding example of anti-foreign feeling, as manifestation of racial hostility. India has a coast-line of about 4,500 miles with 70 lakhs tons of coastal trade and at pre-war value—the value of the overseas import and export trade of India came up to about 475 crores a year. On the present value it would be more than double or treble of that figure. Moreover India is surrounded on three

sides by seas. It is both for purposes of internal and external trade and defence, in other words, from the economic point of view and from the military point of view also India needs a strong navy. Thus India is suffering economically every year on account of the absence of any mercantile marine. According to Professor Pigou "the fear of war was a potent factor in compelling Government to support the ship-building industry in England." But unfortunately in India neither world war No. I nor the last world war No. II so far seems to have had any such effect on the Government of India. The Commerce Secretary definitely stated in 1941 that the Government had no intention to encourage ship-building industry as a part of the war effort. Explaining the position the Commerce Member pointed out that the emphasis was on the words "as part of the war effort" for the ships built in India would not be ready before another 3 or 4 years and war needs cannot wait for such a long time. Events have proved the invalidity of the Government position. But even before the war the Indian public insisted in demanding the development of Indian mercantile marine and it was supported by the recommendations of the Mercantile Marine Committee. Sir, India needs a very powerful and efficient mercantile marine for defence also, because the Indian navy cannot expect to defend India successfully without the help of a mercantile marine. Speaking of Bengal I may say, Sir, Bengal was all along famous for its ship-building industry. Previously Bengal had many harbours and they were full of ships and it was only during the 19th century that Bengal's ship-building industry disappeared. Sir, it is to the credit of the Scindia Steam Navigation Company that they wanted to establish a ship-building yard in Calcutta but unfortunately there was some difference of opinion between the Port Commissioners and the Company and the venue of their project had to be shifted to Vizagapatam in Madras. During the war, 4,000 ships were repaired in India and many small ships just like motor launches, mine-sweepers, etc., were built, and about 30 thousands of people were engaged in the ship building industry in Vizagapatam. Coming from Chittagong, Sir, I may say that there was a successful ship-building industry established in Chittagong and in my boyhood I saw many ships being built and even during the great war No. I that industry was revived for some time and to a great extent. Sir, India with its large seacoast should give facilities for ship-building, but there was want of encouragement to this industry. Fortunately, the present Government of India are trying their utmost to establish a ship-building industry in order to create an Indian mercantile marine, and a sub-committee has already been appointed to consider this problem. I hope that at the time when the Committee will submit its report they will consider the case of Bengal. Bengal with the largest population and largest seacoast should be given every facility, encouragement and help in developing her ship-building industry. Unless the Government of India give liberal subsidy to this industry it cannot be developed very speedily. Sir, take the case of Australia; what was done in Australia during the last war can also be expected to be done in Bengal if proper equipment and encouragement is forthcoming. We too have got here sailors who man the ships and face the high seas at all hours of danger and therefore they should be given all encouragement and scope. But unfortunately no school has been established in Bengal for their training. I therefore hope that the Government of Bengal should take up this matter most seriously and ask the Government of India to give all facilities to Bengal to revive and develop its lost ship-building industry. With these words I commend my motion to the acceptance of the House.

**Mr. PRESIDENT:** Motion moved that an address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make a strong representation to the Government of India to give every encouragement, assistance and help to the development of Indian ship-building industry in Bengal, principally under Indian capital, control and management.

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Mr. President, Sir, my friend, Mr. Nur Ahmed, has moved motion to the effect "that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make a strong representation to the Government of India to give every encouragement, assistance and help to the development of Indian ship-building industry in Bengal, principally under Indian capital, control and management". Sir, on behalf of the Government while supporting whole-heartedly the motion that has been moved by my friend I want to make one or two observations. My friend has stated his case very ably and I can tell the House that we hope that in the not very distant future India will have her own mercantile marine, her own ship yards and her own coast guards against enemy attacks. This question is under the consideration of the Government of India at the present moment. The Government of Bengal cannot do anything in this respect except forwarding this proposal to the Government of India. I can say that I had occasion to visit Chittagong and when I looked from the shore of the Bay of Bengal so many ships coming it reminded me that it is my country and there is nothing to guard the sea frontiers. The Port Commissioners gave an address to me and in reply I gave an indication that we will try to establish a nautical school in Chittagong so that Bengal would get trained and educated men fit to be a proper sailor and captain. My friend Mr. Nur Ahmed also suggested that one school should be established here. As at present situated Bengal cannot do anything in this respect. Even if the Cabinet Mission's proposals are accepted we have nothing to do with Foreign Relations, Communications and Defence: They come under the Central Government. When they come within our sphere then it will be time for the Bengal Government to take them up. There was a time when we used to build the best of ships for the whole world. I read a report long before wherein it was stated that the wooden ships used to be built in Karachi and Surat—they were of the best types as there was no steam engine at that time. Let us hope that in not very distant future India will build ships of the newest type with up to date propellor which will prove to be the best ships in the world. Sir, beyond this I do not think I need say more. I wish good luck to Mr. Nur Ahmed. We will forward the proposal to the Government of India.

**Mr. DEPUTY PRESIDENT:** The question before the House is that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of Bengal Legislative Council requesting His Excellency to make a strong representation to the Government of India to give every encouragement, assistance and help to the development of Indian ship-building industry in Bengal, principally under Indian capital, control and management.

The motion was put and agreed to.

**Mr. NUR AHMED:** Sir, I beg to move that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make a representation to the Government of India to establish a Military College in Bengal for the benefit of the Bengali people.

Sir, this motion is a very important one from military point of view and from other points of view also. Sir, I think the necessity of a military college in Bengal is realised by all right thinking people of Bengal. Bengal, Sir, has fallen on evil days. Bengal was known for her bravery, Bengal supplied her battalion to conquer Malacca and the other islands. There were Bengali regiments commanded by Bengalees. Then came the Sepoy Mutiny of 1857 and Bengal's battalion was disbanded. Because it was thought that the Bengalees were very intelligent and as such they should be debarred from the military. Bengalees were shamefully styled as non-martial race. Afterwards Bengal lost gradually her bravery and spirit of enterprise. This ban was lifted at the time of the Great War No. 2. At

the time of the Last Great War No. 1 only 7,700 combatants and 53,000 non-combatants were recruited. In this war 155,000 were recruited from Bengal as combatant and non-combatants and moreover 150,000 were recruited as sailors for mercantile marine. Bengal's young men proved to be very skilful airpilots. At this psychological moment when the Premier of the Punjab went to Delhi to consult about the selection of a site of a military college in the Punjab, Bengal has not been consulted. The question of the nationalisation of the Indian Army has been finally settled and the cadet corps organisation sub-committee has been touring the provinces to gather opinion. While arrangements are being made for giving military training to college students and also in some other schools it is high time that Bengal should approach the Government of India for recognising its rightful and just claim for a military college in this province. Sir, for Bengal it is doubly necessary because Bengal's claim is not recognised by other provinces and the Military Academy at Dehra Dun and at Poona do not at all consider the applications going from Bengal for admission very favourable. Sir, Bengal having the largest population it is imperative that she should have a military college of her own. I do not like to take the time of this House any longer at this stage though the resolution is a very important one. I would only ask the Government of India to consider the claim of Bengal along with the claims of the Punjab and other Provinces. I appeal to the Government of Bengal to take up this question very seriously and fight out for a college in Bengal and thus give an opportunity to the Bengalees to show their merit and to remove the stigma attached to the fair name of Bengal that Bengal is not enterprising, the Bengalees are idle people, they are quill drivers, they belong to the class of the clerks. Sir, with this appeal I conclude and I hope that all the members will accord their unanimous approval to this motion.

**Mr. DEPUTY PRESIDENT:** Motion moved that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make a representation to the Government of India to establish a Military College in Bengal for the benefit of the Bengalee people.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, it appears in the fitness of things that a resolution of this type should have been moved by a representative from Chittagong because if there is one place in Bengal in which a college of this type can be established it can be in a place where facilities for military operations and for naval operations as well as for aerial operations exist. I understand, Sir, that, after considerable research and cogitation, the Government of India have hit upon Poona for the establishment of a central Military College. It is proposed to put through a scheme of National Cadet Corps in all the Provinces and for that purpose not long ago a committee met me here in Calcutta and I have assured them that my Government will give all possible facilities for the establishment of such a Corps. But I want things to proceed much further. In the not distant past Bengal armies have found their way to the Punjab. We have been purposely emasculated and we have been damned with the theory of not having any military tradition or that we are a non-martial race. I deny it, Sir. We have a large number of strong, healthy people in our province as many of us know to our joy on the one hand and sorrow on the other. Unable to find any avenue for their energy and for their health they become dacoits, but the material is there and can be very well utilised. I am certain that if we start giving a military leaning to our youths from their school-age and give them a bias towards military training we shall be able to produce any number of regiments. It is a shame to Bengal that while Bihar has a regiment of its own, while Assam too has a regiment of its own. Bengal has not yet been permitted to have a regiment of its own. The honourable member has referred to the mental and intellectual powers of the Bengalees and how they have been prevented from exhibiting them. I

am afraid, Sir, that in military circles these qualities are considered a drawback. It would appear that a soldier is not expected to be intelligent or to exercise any considerable mental and intellectual powers and one of the deficiencies of the Bengalee in the Army has generally been that a Bengalee thinks too much and wishes to know the why and wherefore of a particular order. It is for that reason that it is necessary to inculcate in him from his very childhood a sense of discipline and obedience, and given the necessary training I have not the least doubt that in Bengal and from Bengal we shall have one of the best armies in India. Now, Sir, I have conveyed to high quarters the desire of my Government for military training and for the establishment, at any rate for the creation, of a Bengalee Regiment. I hope that the Government of India will consider this resolution sympathetically and even though it may not at the present stage consider it feasible to establish a Military College it should take steps to impart military training, territorials, militia, battalions, regiments, and give us these various amenities. I hope that all sections of the House will support this motion and will support our endeavours to raise an effective army in Bengal.

**Mr. DEPUTY PRESIDENT:** The question before the House is that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make a representation to the Government of India to establish a Military College in Bengal for the benefit of the Bengalee people.

The motion was put and agreed to.

**Mr. NUR AHMED:** Sir, I beg to move that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with an earnest appeal to His Excellency to move the Government of India to stop evictions of Bengali immigrants from Assam by the present Assam Government.

Sir, this is a question which relates to humanitarian policy. I do not want to take much time over this motion. I may say that inhuman barbarities are being perpitrated in Assam in the shape of evicting those who at one time cleared the jungles and who faced the ferocious animals and made those waste and jungle lands fertile and sow crops and thus made them fit for human habitation. These barbarities in the shape of eviction of the settlers are done by Assam in spite of protest from all sides, in spite of appeals to that Government on grounds of humanity and on other grounds. It is not understood why these poor people are being driven out of Assam and deprived of their food and shelter. Justice and fairplay seems to have vanished from Assam. It is said that one crore and 80 lakhs acres of land are lying fallow, in other words 5 crores bighas of land are lying as waste land fit for cultivation. In spite of so much fallow land it is not understood why these people who happened to be mostly Muslims and who went to Assam, some 20 years ago, some 10 years ago and some 3 or 4 years ago, were treated and are being treated in this way. They went there many years before, established themselves there and built their homes, cleared jungles and faced dangerous and ferocious animals and thus added to the wealth of the Assam Government. But these people are now being evicted and not only evicted, their crops are being auction-sold and thus they are being driven to the wilderness. The latest report is that about 3 lakhs of people have been evicted. They with their children and families, are suffering terribly and most of them are on the verge of death from starvation and other causes and the Assam Government have not made any arrangement for their settlement elsewhere. Sir, it is sad that the present Chief Minister of Assam, Mr. Bordoloi, says that he is not following any new procedure. He says this policy is being pursued in accordance with the agreement which was agreed to between Sir Saadullah and the then Congress Party

which was in Opposition and which is now on the saddle there. Some of the relevant terms of that agreement are to the following effect:—

(1) Those settled in Government reserves before the year 1938 should remain where they are.

(2) Those originally settled on Government given lands and subsequently taking shelter in reserves owing to river erosion of their lands or due to acquisition for military purposes should not be disturbed till they were given lands outside the reserves.

(3) Individual cases of hardships resulting from evictions to be considered by the Government.

(4) Line system policy, which segregates the immigrants from the original inhabitants, should be given up within three years.

(5) Before carrying out this policy a sifting enquiry about encroachments and a survey of all available waste lands should be made, so that a colonisation scheme might be started, reserving one-third of the available lands for future expansion and the rest to be allotted to the different communities, such as, the caste Hindus, the Muslims and the Scheduled Castes. An area at the foot of the hills also to be reserved for exclusive settlement of the tribal peoples.

Later an amendment to this agreement was accepted by the Government—that "any encroacher who had raised one crop after spending considerable time clearing jungles, labour and money should also be protected from eviction". These fundamental principles are not being followed. Sir Saadullah has clearly shown that this agreement is not being followed. Sir, Congress speaks of India as one nation and they speak of fundamental rights and all that. Here I may cite a portion of a resolution passed in Karachi by the Congress. "Every citizen is free to move throughout India and to stay and settle in any part thereof, to acquire property and to follow any trade or calling and to be treated equally with regard to legal prosecution or protection in all parts of India." Mr. Bordoloi is a member of this Congress organisation. It is to be seen how these declarations are given effect to and are followed by the Congress Chief Minister of Assam. Section 98 of the Government of India Act runs as follows:—"No subject of His Majesty domiciled in India shall on grounds only of religion, place of birth, descent, colour or any of them be ineligible for office under the Crown in India or be prohibited on any such grounds from acquiring, holding, disposing of property or carrying on any occupation, trade, business or profession in British India.

Sir, it is very unfortunate that at a time when there should be peace and amity, good relations between Nation and Nation, between all the communities inhabiting this land systematic and cruel atrocities are being perpetrated on human beings not in thousands but in lakhs who have produced the crop of the land, who have made their land of adoption a wealthy one and they are cruelly persecuted. Sir, is it not inhuman to evict persons from their homes with their families, with their little children? Is it not inhuman to sell his only means of livelihood, i.e., his crop, which is produced at his cost and labour, to buy their lands in auction sale and to deprive them of their only means of livelihood? Sir, this question was referred to that great Indian and he replied that because the people went there without the permission of the Government, they should be evicted, but my appeal is that when they went there, when they cleared the jungles, when they built houses, when they produced crops, then the Government did not prohibit them from doing so. The Government allowed them at that time and acquiesced in allowing them to clear jungles to make the land more fertile to grow crops and the Government practically permitted them to do so and they can have no right now to evict them at this time. They are mostly Muslims and they are being brutally and cruelly treated. Sir, it is

said that we are one nation. If it be so, why this discrimination against the Muslim immigrants from Bengal? There are others from the United Provinces and other provinces and they own 10 lakhs of acres of land. There is no eviction against them. Why should this cruel policy be followed against the people of Bengal alone who are mostly or 90 per cent. of whom are Muslims. Sir, I must say this that because the Government of Assam thinks that the number of Muslims will be increased in the land they feel that the Muslim immigrants should be mercilessly evicted from their legitimate homes. Sir, this question was put to the Hon'ble Member for Foreign Relations of the Government of India and he in his letter of reply to the Hon'ble Mr. Gopinath Bardoli, Chief Minister of Assam, has said as follows: "The Immigration question is a complicated one and it has become a communal question which will make it more difficult of solution. Every effort should be made to avoid giving prominence to the communal aspect of it. Essentially it is an economic question and it should be tackled in an economic way. It must be recognised that a sparsely populated area with vacant lands as Assam is at present, cannot continue as it is with overcrowded provinces surrounding it. Therefore immigration is bound to take place because of the economic urge for it. No amount of sentiment and not even laws will ultimately stop it. Indeed, even from the point of view of developing Assam and making it a wealthier province, immigration is desirable. To talk in terms of stopping it is to ignore realities."

Sir, this statement is taken from a letter written by Pandit Jawahar Lal Nehru to the Chief Minister of Assam. In this letter it is apparent that the Pandit at that time did not support the policy of eviction but my humble prayer and appeal to the Government of India is that it should ask the Government of Assam to stop these cruel evictions. There has been much agitation over this matter and the last Karachi session of the Muslim League passed a resolution which runs as follows:—

"The Working Committee strongly condemns the barbarious atrocities committed by the Congress Government in Assam on thousands of immigrants by forcible mass evictions of immigrants from the so-called professional grazing reserves and Government waste lands by demolishing their houses and driving them to wilderness rendering them homeless and destitute.

The Committee further records its condemnation of the Assam Government's inhuman practice of selling by auction the paddy and food crops of immigrant cultivators, thereby depriving them of the fruits of their months of labour, of their sole means of subsistence, and exposing to starvation the families and children of the cultivators. The Committee urges upon the Assam Government to put an immediate stop to these inhuman evictions and auction sales and allow settlement of Government waste lands and excess lands in the professional grazing reserves to those cultivators who have spent time and labour in reclaiming their waste lands, built their homesteads and sown crops there. It is a matter of great surprise to the Committee that the Assam Government persists in its policy of oppression of the immigrant cultivators at a time when there is such acute food shortage in India."

Sir, appeal after appeal has been made by Mussalmans throughout India, and our popular Chief Minister also wanted to settle the question by consultation. We however do not like to criticise harshly the Government of Assam but when it is a question of inhuman sufferings nobody can remain unmoved. I therefore appeal to the House to accept this motion unanimously.

**Mr. DEPUTY PRESIDENT:** Motion moved that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with an earnest appeal to

His Excellency to make a strong representation immediately to the Government of India to stop evictions of Bengali immigrants from Assam by the present Assam Government.

**Khan Bahadur GYASUDDIN PATHAN:** Sir, the mover of the motion has very elaborately discussed the subject of his motion. So I do not think it will be necessary for me to be long in my speech. Sir, the Assam eviction is now a matter of great concern to all right-thinking persons in Bengal, in view of the fact that the evicted families are all Bengalees. Moreover, the method of eviction pursued by the Assam Government is not only inhuman but history fails to cite any such similar instance. We have read much about the inhuman and barbarous atrocities of "Namrud" and "Ejid" of antiquity, but nowhere we have seen forcible eviction, followed by burning of houses, crops and all that belonged to the poor and helpless people and wholesale raids by elephants. It may be noted that a few years ago the services of these fearless Bengalees were considered necessary to clear up jungles by fighting with wild and ferocious beasts such as tigers, leopards, elephants, but all on a sudden these people who cleared the jungle areas even endangering their own lives and making lavish gifts of their children to malaria and kala-azar, are being evicted by the Assam Government on a lame excuse. I appeal to the honourable members of the House to consider the helpless conditions of the Bengalee Muslims. I may tell you that very recently there was a conference at Bahadurabad which was attended by about a lakh of people (Mr. LALIT CHANDRA DAS: Has Assam been invaded yet?) and about 2,000 people of Assam also attended the conference including many members of the Legislature and there was a unanimous Resolution passed to move the Central Government through the Government of Bengal to take up the matter and put an end to the barbarities perpetrated in Assam. So in this view of the matter I support the motion and I hope it will be unanimously accepted.

**Mr. LALIT CHANDRA DAS:** Sir, I oppose the motion.

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Why oppose?

**Mr. LALIT CHANDRA DAS:** Wait a bit and you will know. Sir, a request is being made to His Excellency to make a strong representation immediately to the Government of India to stop evictions of Bengalee immigrants from Assam. Why should His Excellency be invited to do so? Why should he do so when Bengal is an autonomous Province and Assam is also an autonomous Province. I think it is the business of Bengal Government and Assam Government and the Central Government has nothing to do with it. How can Central Government interfere with Assam Government if Assam thinks that it would be their best policy to do so for the protection of the Assam people. I do not understand why we on this side of the House in Bengal should move our Governor to appeal to the Government of India to stop eviction. I say land is a provincial subject and Assam has got sole right to do what it likes and it would be illegal for the Government of India to interfere in any way in this matter. So in this matter we should not lose all sense of justice and fairplay and interfere with the autonomy of the Assam Government.

Sir, things are not what they seem. Feelings are being exacerbated by the policy of the Muslim League. As a matter of fact, so far as this present policy of eviction in Assam is concerned, when Sir Saadullah was the Chief Minister of Assam it was decided by the Muslim League Government of Assam that these Bengalees were intruders in Assam and they were interfering with the loaves and fishes of the people of Assam and it was decided that they should be evicted. Sir Saadullah's policy is now being followed by the present Government of Assam. Mr. Bardoloi, the present Chief Minister of Assam, has repeatedly stated in the press and on the platforms that they are only carrying out the policy of the Muslim League Government headed by Sir Saadullah. I may point out, Sir, that the real motive

is not the protection of the Bengali immigrants as would appear from this motion. If the Muslim League Government in Bengal was really sorry for those people, if they thought that those people were faced with starvation, it is the duty of the Bengal Government to bring them here and provide for them succour. Without doing this they are shamelessly asking the India Government to interfere with the administration of Assam. I submit they are adopting a dubious method of asking His Excellency to interfere, to meddle in the affairs of Assam Government. It is an unfair suggestion. Sir, it is apparent that the present Government of Bengal, formed by the Muslim League, are trying to make Assam a part of Bengal. Their real intention is to Pakisthanise Assam. They have moved this motion to this effect not only here in this House but they are holding meetings to this effect. They have at present an intention of invading Assam to terrorise Assam Government and bring a downfall of the present Assam Government so that Sir Saadullah may again be the Chief Minister and then it will be easy not only for the Bengali immigrants but it would be easy to Pakisthanise Assam, and Assam will form a part and parcel of Bengal. I strongly oppose this resolution.

Sir, their real intention may be well understood if you follow their policy in regard to Bihar refugees. The present Muslim League Government of Bengal sent Mr. N. M. Khan, through the Muslim League Party, to bring about 150,000 refugees from Bihar with a view to Pakisthanise the West Bengal. They have a overwhelming majority in East Bengal, now they want a similar majority in West Bengal. We strongly condemn the present policy of the Muslim League. The Assam Government is strongly protesting against the policy that is being pursued by the Muslim League there. If the Muslim League Government of Bengal is really sympathetic, as I have already said, they can withdraw those people from Assam and settle them in Bengal as best as the Government of Bengal can do here. You are autonomous and independent, why should you ask the India Government to force the Assam Government to keep those undesirable elements there?

Now, Sir, this motion is being placed in this House but I know that as a matter of fact representations were made to the Government of India with respect to this and the Government of Assam had to reply to the representations in more strong terms than those contained in the representations which were made by Mr. Nur Ahmed in this House. On hearing these representations the Government of India came to the conclusion that the Assam Government was right and they had every right to carry out their own policy. I do not understand why the Government of India should be asked to violate the sacred principle of Provincial Autonomy and why the Governor of Bengal should be asked to take up a matter like this where the entire policy is in the hands of and can be dictated only by the Assam Government. With these words, Sir, I lodge my emphatic protest against this motion.

**Mr. NAGENDRA NATH MAHALANOBISH:** I beg to oppose this motion for the simple reason that the provisions of Rule 112 were not ever intended to bring in matters of this nature before the Council. It is intended for the purpose of expressing the opinion of this Council on matters which are really not controversial and in which all the sections of the House have got a strong desire to move the higher authorities. My honourable friend Mr. Nur Ahmed, I am sure, knew it from before that this is a matter which is extremely controversial and that this controversy has been going on in the country for several years past from the time when Mr. Saadullah was the Premier of Assam and it was practically he or his Ministry that decided that such immigration should not be allowed. From that time onwards the agitation started and it has now assumed great proportions. Now we are even hearing of a possible invasion of Assam by lakhs of intending immigrants. I do not know if that is going to happen in the

near future. But whatever it is, there cannot be the least doubt in the mind of any honourable member in this House that this is one of the most controversial questions that is agitating the minds of the people of Assam as well as the people of Bengal and therefore I submit that this motion should not have been brought under Rule 112. It is obvious that except under Rule 112 we cannot discuss this mater in this Council. Law bars it. The Rules bar it. That being the position I submit that this motion ought not to be discussed any more in this House. (The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: But the President has allowed it and admitted it.) With all respect for the President, the President is not supposed to know the feelings of the members of this House or the feelings outside. He might have admitted this resolution on the assumption that all sections of this House might agree to it. When the matter is brought to the notice of the President and when the attention of the President is drawn to the history of this controversy which has been going on for several years, I think that this matter should not be further proceeded with. My second point is that we cannot really discuss or criticise the conduct of another Provincial Government. It was only the other day, I mean yesterday, that honourable members on the Treasury Benches even objected to the reference to Bihar and now we are going to criticise the conduct of another autonomous Government, the autonomous Government of Assam. I submit, whether it is good, bad or indifferent, whether their policy is liked by you or not, you cannot here in this House criticise the Assam Government and its way of dealing with the internal question of immigration in that province. Now, Sir, every Government everywhere in this world have got their own rules about this immigration question. They can allow somebody to go there and settle or if they like they may not allow others to go there and settle. The question that they have got enough lands to spare is immaterial and irrelevant. It is for that particular Government to decide and settle as to how their lands should be utilised. It is certainly meant for the Assamese people and it is the Assamese people alone who have the primary right to have these lands for their own benefit. Simply because your reply is that Assam has got enough lands, it is no reason why you should go and settle there and say "we shall have them because you have lands enough to spare". That is nothing but an attempt to force one's self or to help one's self to other people's property, and there is no equity in it. As Mr. Das has pointed out, if you can bring in one and a half lakhs of people from another province and maintain them at the cost of Bengal's taxpayers, then why not bring those immigrants from Assam because, as you say, the immigrants are suffering so much in Assam, for which you are now shedding crocodile tears? Bring them down here and maintain them at Bengal's cost; your Government will be willing to pay as much as is necessary. I submit that this is a matter which is not really permissible to be discussed here and that the Government of India also, as my friend Mr. Das has already pointed out, has got absolutely no jurisdiction to interfere in the matter. Under the Government of India Act these are provincial matters and the Centre is not entitled to interfere with the internal administration of any province. They did not interfere in the matter of stopping the Great Calcutta Killing, nor in the Noakhali business, or in the matter of any other maladministration by the Government of Bengal. I therefore submit that it is an absurd request to make to the Central Government.

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Don't talk of Bihar, Mr. Mahalanobish.

**Mr. NAGENDRA NATH MAHALANOBISH:** Leave aside Bihar, indeed, but I do not think you should be so sensitive; I know what you have done and are doing——

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Yes, you will get your reply.

**Mr. NAGENDRA NATH MAHALANOBISH:** Yes, you always have the last say on the other side. Even considering the motion on its merits I think that this resolution should not be accepted by the House.

**Mr. KAMINI KUMAR DUTTA:** Sir, I think that in the discussion of this motion unfortunately we have introduced a communal complexion. That should be avoided and without any reference to any communal aspect this question can be discussed and can be discussed very efficiently. Of course in the motion itself the expression used is "Bengalee immigrants". Really, I would like to say that there is some confusion of ideas in respect of this matter. If it is a question of migration, then certainly it would be a subject exclusively within the jurisdiction of the Government of India, for that item finds a place in List I; migration is not a subject for the provinces at all. But it is not really a problem of migration at all; if it were so then the question would be of gigantic magnitude. It is a question which every province would have to consider very carefully. Suppose if some residents of Central Province, which is known to be a not very fertile province want to migrate to the fertile soil of Bengal, would you welcome it? Certainly not. I say even if all those people be Hindus, I, as a Bengalee, would say "no". It is a question of Bengalee and non-Bengalee and you should look at it from that aspect. It was said that there is plenty of fallow land in Assam; but, as my friend has just now said, there is absolutely no reason why one province would allow migration of the people of another province into its own province. Then, Sir, migration is a very different problem. This is a very important problem in the whole world. We know how jealous people are to see that there is no unrestricted migration. The history of South Africa, Canada and other countries where colonization has been going on shows how people are jealous and how they are against migration from another country to their own. People are generally against migration from outside. So it is not a problem of migration. Here there should be no question of Hindu or Muslim, there should be no question of community. It should be the question of common mother land. So it is not a question of migration at all from Bengal to Assam and it does not come within the jurisdiction of the Government of India. It is a problem of land dispute between those people who are said to be emigrants whether they are settlers or not, whether they have a right to remain there or not, whether the Assam Government have a right to evict the people who claim to have settled there, it is all a problem between the settlers and the Assam Government. I think no political atmosphere ought to be created and no communal colour ought to be given. We do not know how much percentage of these people are Muslims and how much Hindus—there are Hindus also. But it is a case for the Assam Government and the question whether these persons should be evicted or retained rests exclusively and conclusively with the Assam Government. As I told you at the outset—suppose you have a large tract of land here in Bengal lying fallow and if people from United Province want to come here and occupy this land would you give them? Certainly you have the right to refuse them and you would resist in the same way as the Assam Government is doing. That is exactly the position of the Assam Government. The Assam Government says that it is their policy—it is their land policy—in governing a province they must have a policy and under that policy if they do not want people from outside to settle there I think we have got nothing to say. They have got a policy followed for settling their surplus land and they are following that policy and under that policy they may want to prefer the men of their own soil—people who require the lands there. As far as we are able to see from the reports published, all the facts are not before the House regarding this dispute between the Government and the socalled immigrants. Then there is the question of the pastoral lands also. Government have reserved some of these lands for the purpose of grazing. So, it is only a question of the application of the land policy of the Assam Government. After all the lands belong to the Assam Government and certainly it is not fair to coerce

that administration to agree to give some portion of their lands to the people who went there from outside. This question is fraught with great danger unless it is properly handled. We should not play with fire. I should beseech my honourable friends opposite and also the Government of Bengal to consider this policy carefully. This example of this Government may be followed by the people of other provinces. They may also come to Bengal and say that our province is not fertile and we find there is enough of fertile lands in Bengal, so we like to stay and settle here. I submit, Sir, it is not really a question of immigration at all. Migration from one province to another rests exclusively with the Government of India. It is a domestic problem between the Government of Assam and the people who claim to have got some lands there. It is more a question as to the application of the land settlement policy of the Assam Government and I would warn that we should not introduce any other aspect—whether it should be provincial or private, whether it should be on a all-India basis or inter-provincial. The question of one community or another should not be allowed to come in here. We should not introduce communal questions in all matters. We have had enough of it. We should not forget our own province. We should not forget that Bengal is our mother land. Bengal is my own province. Of course the interests of the Bengalees are to be safeguarded but at the same time we should see that first of all the interest of the province is safeguarded. The other provinces have their own consideration. They have first to protect and safeguard the interests of the sons of their own soil and certainly we cannot force our population into the boundaries of another province. Simply because they have surplus lands is no ground that we shall claim some portion of that. In coming to a decision on this question, I would appeal to the members of this House to banish the question of a particular community. Do not stretch this question of one community too much. It will bring danger. The Frankenstein that you will be creating will kill you one day.

**Mr. DEPUTY PRESIDENT:** Order, order. The House stands adjourned till 2-15 p.m. on Tuesday, the 11th February, 1947.

## Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 11th February, 1947.

## Members absent.

The following members were absent from the meeting held on the 7th February, 1947:—

(1) Mr. L. P. S. Bourne,
(2) Khan Bahadur Syed Abdur Rashid Choudhury,
(3) Khan Bahadur Sheikh Fazal Ellahi,
(4) Khan Bahadur Sir Md. Azizul Haque,
(5) Mr. Mungturam Jaipuria,
(6) Alhadj Khan Bahadur Shaikh Muhammad Jan,
(7) Mr. Humayun Z. A. Kabir,
(8) Alhaj Yar Ali Khan,
(9) Mr. Syed Abdul Mazid,
(10) Mr. George Morgan, C.I.E.,
(11) Mr. T. B. Nimmo,
(12) Dr. Kumud Sankar Ray, and
(13) Mr. Satish Chandra Sen.

WBGP-4/48-3308A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session 1947—No. 4.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday the 11th February 1947 at 2-15 p.m. being the fourth day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

### Adjournment Motion.

**Mr. PRESIDENT:** Yes, Mr. Lalit Chandra Das.

**Mr. LALIT CHANDRA DAS:** Sir, will you permit me to speak through the microphone?

**Mr. PRESIDENT:** Yes.

**Mr. LALIT CHANDRA DAS:** Mr. President, Sir, I beg to move that this Council do adjourn its business to discuss a definite matter of urgent public importance and of recent occurrence, namely, the serious situation arising out of the unprovoked and unwarranted firing and lathi charge by the police on the peaceful and unarmed students demonstration on *Viet-Nam Day* and the 21st January, last, in front of the Senate House Calcutta University (College Square, Calcutta) resulting in one student killed and 200 others injured, of whom 21 received bullet wounds, including some lady students also.

Sir, the other day the Hon'ble Chief Minister said in this House that Government business was being impeded because of these Motions and Resolutions. Sir, it is amazing that this complaint came from the Minister who is also in charge of and is responsible for the maintenance of law and order and peace and tranquillity not only in the city of Calcutta but also throughout the province and whenever there is a failure of the proper maintenance of law and order it is the duty of the legislators to draw attention of the House to such a state of affairs and because the machinery of law and order fails too often we have often times to bring in such motions for discussion and if this entails any delay in the transaction of Government business the responsibility for this lies on the head of the administration.

Sir, about a week prior to the 21st January last, 21st January was declared in Calcutta as "Viet-Nam Day" for expression of sympathy by the students with the people of Viet-Nam in their heroic struggle against the French jingoes, struggling for freedom and for protection and preservation of their Republic. This the police knew very well. Sir, for one colonial people struggling for freedom, it is but natural that all colonial peoples of all other countries would be sympathetic and hold demonstrations for the purpose of expressing their sympathy. There was nothing criminal or communal about it, and indeed, a very strong contingent of Muslim students joined with other students in the demonstration that day. The police, the agents of British imperialism, scented danger and they marched from Lal Bazar in solid phalanx armed with all sorts of weapons to meet a body of students thoroughly unarmed in College Square where in front of the Senate Hall, in the University lawn, a meeting and a demonstration was to be held.

Sir, why did the police come in such great force? The answer would be, for the purpose of preventing the violation of the order under section 144, Criminal Procedure Code. This order, Sir, was passed so far back as on the 18th August last by the Commissioner of Police at the instance of the Provincial Government for the purpose of preventing and checking communal disturbances which broke out on the 16th August last as a result of the Direct-Action-Day policy of the Muslim League party. The curfew was also enforced. But the curfew order was withdrawn long ago with the cessation of communal disturbances. Why was the order of section 144 not withdrawn along with it? The reasons for enforcing curfew are exactly the same as those for section 144. But quite inconsistently, in spite of protest, in spite of clamorous demand of the public section 144 was not withdrawn—thus suppressing the civil liberties of the people, the citizens' right of freedom of speech and freedom of association and freedom of holding meetings. Even then the order promulgated by the Commissioner of Police was only for preventing and putting a stop to further occurrence of rioting, arson and looting and could not be applied to a procession of both Hindu and Muslim students who were out, hand in hand, on the city streets on the Viet Nam-Day. Sir, that day the people of all communities irrespective of caste, creed and different political views, were peacefully proceeding to join the meeting and there was no apprehension of rioting, arson or looting for prevention of which only, the order under section 144, Criminal Procedure Code, was passed. In this view, the students going in procession to hold a meeting cannot be said to have violated the order.

Sir, let us look at the question from another stand point. It had been seen that on important occasions, such as, the Id prayer day and the idol immersion procession day, the police of their own accord suspended the operation of section 144, although on those occasions the chances of communal clash were not remote. I ask, why at least on the 21st January last, when there was absolutely no chance of communal clash when in fact the Muslims fraternised with the Hindus the order under section 144, Criminal Procedure Code, was not suspended to allow the students to hold their demonstration peacefully? Is it that the defenders of British Imperialism in sympathy with the French Imperialists had suddenly become afraid of Hindu-Muslim unity and were determined to crush the students for having dared sympathise with the freedom loving people of Indo-China? Sir, even if it is held that there was the technical violation of the order, the force used by the police was beyond all proportion, harshly excessive. In fact, Sir, the police that day made a barbarous exhibition of their brutal strength. Sir, they used tear gas, freely applied the regulation lathis, turned the hose pipe on the crowd before the Senate House and finally discharged several rounds of ammunition from their guns with no qualms of conscience in doing so, resulting in at least deaths of two students, one having died instantaneously and the other subsequently in the Medical College Hospital and also resulting in infliction of injuries on at least 200 people, twenty-one of whom received bullet wounds. In the attack some lady students also suffered. Sir, the police behaved with equal ferocity when they stopped the students' procession at Dharamtalla in November 1945 demonstrating for the release of I.N.A. heroes. Sir, they urge necessity as their plea. Necessity, Sir, is the tyrants' plea. Sir, we ask where was our Chief Minister that our during whose regime so many tragic incidents had taken place in almost clock work regularity at short intervals. Sir, we ask where was our Home Minister on the 21st January last? Was he in the Control room of Lal Bazar thana to control the activities of the police that day as he was there on the 16th August last when communal riots broke out and continued for full four days? He surely knew beforehand that a students procession would converge in the College Square on the Viet-Nam Day. Was it not his duty to warn the police to behave properly having known earlier exhibitions of their improper conduct towards students and nationalists? Were the Moslem Leaguers in secret sympathy with the

British Imperialist? For, let it be said here and now that it is common knowledge that every British Imperialist is supporter of the Muslim League and every Moslem Leaguer is a supporter of British Imperialism. Or how else can you explain the masterly inactivity of the Police day before yesterday when thousands of Muslim Leaguers broke Section 144, Criminal Procedure Code order and marching through the streets gathered before the Muslim Institute and in presence of the police shouted themselves hoarse, one section crying "Suhrawardy Zindabad" and the other crying "Sher-E-Bengal Fazlul Huq". Sir, clearly enough the police the Agents of British Imperialism have one Code for the Muslim League and another for the nationally minded.....We ask again where was Mr. Suhrawardy on the 21st January last and what steps did he adopt to prevent the tragic occurrence—this bloodbath on Calcutta streets? For full four days the police on and from 16th August were a milk of human kindness to rioters, looters and murderers and very sparingly used their weapons. Their conduct then must have pleased their Imperialist masters as their conduct on this occasion also would gladden them.

Sir, I do not loose sight of the fact that for that day's business and official communique was issued in which various acts of hooliganism are alleged to have been committed by the student demonstrators to fasten the blame on the students to justify the police action. Sir, it is easy to make allegations. How could the Government be sure that it were the students who threw stones and not the riffraffs of the town who usually gather on such occasions to carry on their nefarious trade. Agents provocateurs who always concentrate their activities in big gatherings could very well manage affairs so as to provoke the police to action. But the fact remains, the students both Hindus and Moslems came in their thousands absolutely without any sort of arms with the intention solely to demonstrate their sympathy for the annamites in their trouble and not to defy the Government order nor to provoke the police nor to do rioting, looting or anything of the sort. Sir, if the police would have shown a hundredth part of their teech on the 16th August as they did on the 21st January last and used some bullets judiciously, then we would not have had to witness the great Calcutta killing which has disgraced the fair name of Bengal and of the Government. Sir, I repeat, I am not unmindful of the fact that a Communique was issued by the Government on the day's happenings. Sir, in this communique Government remained surprisingly silent about the firing. Why? Did the conscience of the Government get pricked? Did the Government realise that the firing was unjustified and so remained silent? Sir, this great omission proves if any proof were needed, proves beyond any doubt that the police were in the wrong.

Sir, with these words I commend my motion for the acceptance of the House.

**Mr. PRESIDENT:** Order, order. Motion moved that this Council do adjourn its business to discuss a definite matter of urgent public importance, and of recent occurrence, namely, the serious situation arising out of the unprovoked and unwarranted firing and lathi-charge by the police on the peaceful and unarmed students demonstration on Viet-Nam Day, the 21st January last, in front of the Senate House, Calcutta University (College Square, Calcutta), resulting in one student killed and 200 others injured of whom 21 received bullet wounds, including some lady students also.

**Mr. HARIDAS MAZUMDAR:** In supporting the motion, Sir, I like to point out that Sir, Viet-Nam Demonstration is nothing but an expression of that desire of the students which wants to make their country free from the firm grip of imperialism.

Imperialism, French or English, tastes the same bitter stuff. This natural outburst of the inner feeling of the students should have been

appreciated rather than suppressed. May I enquire why firing was not resorted to when the League or Muslim students were crying Muslim League slogans and various forms of Murdabad and Jindabad in and around the Assembly Chamber for days? Why this invidious distinction and treatment?

As to the Commissioner of Police whom I shall not call coward, may I enquire, why he when bothered or bored by the Premier in the control room stood inactive when section 144 was set at naught by these students. Firing on Hindu crowd or students has become very easy matter. Hindu youths without any leader in Bengal are really objects of pity in this doomed province. This calls for a Hindu revolt against the intolerable oppression by the League Ministry and its underlyings and slaves.

May I enquire why Calcutta having 80 per cent. non-Muslim population should groan under a "Calcutta killing" atmosphere created by the League misrule and communal police control? Why of all things Hindu majority portion of Bengal should be steamrolled by an unreasonable, irrational fanatical section of the League Ministry and League conspiracy. Leaders are selling Bengal to the Muslim Leaguers at a price and consideration which even ten years back these very students could not dream.

Sir, I do not like to go into the merits of these demonstrations except what I have already stated; but good, bad or indifferent whatever might be the motive of these students, firing on unarmed students cannot be supported. The Ministry have failed to maintain law and order in the country, only students of Calcutta pay the penalty for the misrule of the League Cabinet. They must go out and make room for a Coalition an honest Coalition Cabinet failing which let there be a partition of Bengal where Hindus may feel secure and safe and maintain a true balance for the East Bengal. With these words, I support the motion of my honourable friend Mr. Lalit Chandra Das.

**Mr. NAGENDRA NATH MAHALANOBISH:** Mr. President, Sir, I beg to support this motion. I will not raise any communal question in discussing the motion before us. It is undisputed that the students' procession was a procession of students of all classes and communities. There were Hindus, Muslims and other communities represented and their object was actually to make a demonstration for the purpose of showing sympathy with the Viet Namese people who were going to be deprived or rather robbed of their independence by the French Imperialists. Whether that was right or that was wrong or that was proper or improper, it is not for us to consider here just now. The question before the House is how far the Government or the Police were justified in interfering with the students and ultimately firing upon them and killing some of them. There was, I understand, absolutely no disturbance by these students before the police interfered. There was going to be held a meeting in their college premises and students from various parts of the city were converging to that place of their meeting and I understand that the police started interference from various quarters and the students were held up at different places. There were ladies, there were girl students, thre were young boys and almost all of them were practically in their teens. They were not armed; they had no intention to violate any 144 proceedings or any order of the Government. They were not making any demonstration against the 144 order. That order has been in force in Calcutta from August last and nobody could have even dreamt that the Government or the Police in Calcutta could have thought that these young students were actually violating the order under section 144 because it was not their object; their object was not illegal and even if you strictly interpret the law they were not members of an unlawful assembly. If you read section 141 of the Indian Penal Code you will find that the object of an assembly must be to do some mischief, some offence of criminal trespass or other offence or to break the law. Now here, if, technically you can charge them with anything, you can charge

them with violation of the order under section 144. Now 144 was promulgated not to prevent the assembly of students or other innocent assembly but it was primarily for the purpose of preventing any riot or communal clash or people armed with lethal weapons or other weapons so that there might be a breach of the peace. That being the object of order under section 144 what were these students doing; what were their objects! The Government knew it; the Police knew it that their object was very innocent. Perhaps they wanted to make a demonstration before the French Consulate and to hold a meeting and pass resolutions sympathising with the lot of the Viet Namese. Now, Sir, if that were the object how could anybody possibly imagine that it was an unlawful assembly; how could the police take it into their heads that this procession ought to be stopped. If you see that there was a technical breach of the 144 order which I certainly dispute, I submit that even then the police were not justified in starting tear-gassing them, *lathi*-charging them and ultimately shooting them. There is no law which would authorise any government to do that. If they violated the 144 order, well, the police were perfectly entitled to arrest them, to take them to prison, to take them away but what authority had they to tear-gas them, *lathi*-charge them and shoot them? I would like to know what authority there was and I hope that we shall be enlightened by the able advocates of the other side. You may go on arresting them if you cannot arrest them then you can do nothing with them. You should have a summons issued through the Magistrate and try them according to law. That obviously was the proper procedure to adopt. But how could you let loose the police goondas who were absolutely doing nothing during the August riots and were standing as statues in street corners when hundreds and thousands of people were being killed in broad daylight in their presence and the police if they did anything, they were taking part in looting. This is your Calcutta police and your Calcutta Police on this particular occasion took it into their head to interfere with this peaceful procession of students and then started shooting. The theory of brick-batting is there and that theory as also that of sodawater bottle hurling is always handy to them and they could always say that their lives were at stake. They would reply that the procession was likely to injure them and their lives would be at stake and that is why they were forced to resort to firing. I submit that these sorts of excuses might be invented by anybody and that is why they lost their head. The police could and should have only watched, but there were some among the policemen who I believe had a brainwave and thought that their inaction in August 1946 might be made good on this occasion. I submit and I may cite a recent case when hundreds and thousands of Muslim leaguers went in procession in Calcutta and they were left untouched. I do not at all raise this question to say that there was partiality. I rather say that that was the correct attitude for the police to take. Section 144 order was surely not imposed to prevent peaceful procession of students and other innocent people but to prevent second riot in August last. I therefore condemn the action of the Government and of the police and I commend the motion to the acceptance of the House.

**Rai Bahadur JOGENDRA CHANDRA ROY:** Mr. President, Sir, I would have been very glad if I could have somehow spared myself this painful necessity of uttering some unpalatable truths. But the occurrence under discussion is so disgraceful and inhuman the entire episode is so marked with mediæval barbarity that I shall be guilty to my electorate and false to my conscience and my Maker if I do not expressly and frankly condemn the Government that have stopped down so low as to fire upon a body of unarmed students of my country, specially when that Government boast of their being a "National Government." The Government may say "we have imposed restrictions on civil liberty under section 144, Criminal Procedure Code, for the good of the country. They have violated this law and hence is their punishment". May I ask the Hon'ble Home Minister

to search his own conscience to find an honourable justification for what has been done in the present case for the so called maintenance of law and order? Is it not strange that the police which had displayed such masterly inactivity during the "Great Calcutta Killing" should now be bubbling with activity and be so eager to demonstrate their powers against unarmed youthful students. That shameful tragedy of the 16th August would never have disgraced Bengal's history if the keepers of law and order had been half so alert and active as they were on the 21st January. And though the Government in a press note has cooked up all sorts of slander against the students, it curiously does not mention police firing. That there was firing on the unarmed students was revealed from the reports of the hospitals; Why then this foolish attempt to suppress the truth?

On many occasions in the past we have seen that the police as an agent of British Imperialism had acted more brutally and the hell of repression had been let loose on the unarmed and non-violent people of our country. In my opinion the situation could have been saved by mere tactful handling as it was handled in the southern part of the city to disperse the students. But in this case the over-zealous activity of some police officers led to this unhappy tragedy. The police barbarities there were uncalled-for and unjustified. The students of Calcutta assembled before the Senate House to denounce the French Imperialism. No act of violence was contemplated as they were completely unarmed. Had the processionists been allowed a free passage I think no harm would have been done to anybody. For tragic incident of the 21st Police are wholly to be blamed. They displayed force in a most disgraceful fashion. Besides using tear gas there was *lathi* charge and firing. There is some relief that military was not called out to disperse these non-violent students.

On this day the students were observing Viet Nam Day peacefully and non-violently and still the police used *lathis* missiles and tear gas on them and peaceful citizens. We did not expect such Fascist behaviour from the Government that claims to be National and I further think it an act of shame and regret and everybody will condemn and has condemned such barbarous acts.

In conclusion I pay my humble respect to the memory of student martyrs Dhiraranjan and others and demand compensation from the Government for those who are dead and wounded and we further demand unconditional release of those students and citizens who are prisoners or against whom charges are pending, and we also request the Government that they withdraw the section 144 forthwith. But may we not also fervently expect from this National Government of ours that such mediæval barbarities will no more mar the sacred land of ours at least so long as they are at the helm of affairs in this province. Let this dawn tinged with red colour of bloodshed be the dawn that is brightened with the red hue of anew era of happiness and glory to our motherland.

**Mr. C. MORGAN:** Mr. President, Sir, I am afraid, we cannot support this adjournment motion. The thing is rather ill-advised because the whole point is that law and order had to be maintained. As to how it was maintained on that occasion and as to why firing and *lathi* charges were resorted to I hope the Chief Minister will be able to explain. My hon'ble friend Mr. Mahalanobish said that there was no disturbance; I was not there and I cannot corroborate that. It seems to me that the inference is that the police fired on quiet, innocent and law-abiding students. Well, I cannot believe that. I think the Chief Minister will explain the position. We all know that section 144 is in force and it was the duty of Government and their executives to see that law and order is maintained and if they do not do that how law and order is going to be maintained and what is going to happen——

**Mr. NAGENDRA NATH MAHALANOBISH:** Calcutta killing.

**Mr. G. MORGAN:** Possibly. If they do not maintain law and order the country simply crashes, every one will run amok. It must be remembered that however misguided they may be the fact remains that they will be the future rulers of the country and if they are going to suspend law and order in this way we do not know what will be the reaction of that. But I say that the shooting and *lathi* charges will have to be explained by the Chief Minister. Some said there was no disturbances, some said that they were all completely unarmed and the police fired on innocent people. But police do not fire on innocent people so far as I know. I hope the Chief Minister will explain as to why firing was resorted to. Regarding my friend Mr. Haridas Mazumdar's point about Partition, though it is a communal matter, still it interests me. For in 1908 when East Bengal and Assam was a separate province, I was a member in the first Legislative Council. When in Delhi we were told that we may have to go to Bengal. There to our astonishment in 1911 we were told to come back to Bengal. So, at that time there was an agitation against Partition and this agitation was carried on by the Hindus. Now, they want Partition! (Mr. HARIDAS MAZUMDAR: Because circumstances have changed. You were then an young man and now you are an old man). Therefore, Sir, I think we should support the Ministry in the execution of law and order. No doubt the Chief Minister will explain to us why the particular firing episode took place—were the people innocent or were they creating disturbance whether they were violent and braking law or non-violent.

**Mr. BIJOY SINGH NAHAR:** Mr. President, Sir, we all know that a very strong current is flowing throughout the whole world against imperialism, to kill imperialism of any sort. We in India, I am sure, all parties agree to drive out imperialism. We are in sympathy with any people who are fighting against imperialism of any sort. What happened on the 21st January, the students of Calcutta—all sorts of students Hindus, Muslims of all colleges—decided to observe Viet Nam Day in sympathy with the struggle of the Viet Namese people—to fight against the French imperialism. They did nothing to break law. They wanted to hold meeting in the Calcutta University compound. You will find, Sir, from the papers that notices were issued from different student organisations that they wanted to hold meeting only, and the holding of meeting is not illegal nor has it been banned in this province. But what happened actually? Students came out of the schools and colleges and proceeded towards the University. There was no procession so to say. (The Hon'ble Mr. H. S. SUHRAWARDY: Hum.) There is no question of "Hum, hum" by the Chief Minister. The students were coming out to hold a meeting—that is all. The police were too vigilant, as will be found that at about 9 a.m. long before the time of the meeting hundreds of police were present before the University in College Street, as if something was going to happen there. When the students were coming out in the streets they were disturbed by the police, they were checked by the police near Hati Bagan in the beginning and next near the College Square. What happened afterwards we all know. There was no question of breaking the law. I can say that various other meetings of the students were being held in the University compound previously but the police never interefered and so no trouble arose. It is the police that intereferes and creates all sorts of troubles and they indulge in this blood bath on the streets of Calcutta. I can cite one or two instances to show that the police were over-vigilant. We have read the news and comments in the newspapers but the Government or the police never contradicted them. Sir, the beds of the Medical College Hospital were vacated to some extent on the previous night in the expectation that something would happen. Why this anticipation before? The Police Chief, I will not say that he was wrong, because unfortunately for us there is still a European as the head of the Police Chief in the city of Calcutta. Certainly the Europeans who are with the British Imperialism here today they are out to kill all sorts of agitation against any sort of imperialism and they want

Imperialism to be here. But it is most unfortunate, Sir, that our Ministers and our Government are siding with this sort of thing. Sir, we never expected that the Minister in charge of Law and Order would indulge in this sort of thing and would allow the police to do these things that the victims being the students be wounded, to be killed in this way. Sir, this is most deplorable and when such sad scenes were enacted now and before, the Ministers sat tight in their homes; they did not do anything; they did not act; they failed. Sir, in this debate at an earlier stage one question has been raised that this is a communal issue. Sir, I can say there was no communal issue altogether in this. (Mr. HAMIDUL HUQ CHOWDHURY: Who raised that?). Our friend Mr. Haridas Mazumdar raised this thing but I can clearly say that both Hindus and Muslims, all sorts of students were there. The Hindu and Muslim students also were wounded and they were admitted into the hospitals and therefore there was no question of communalism in it. The only object of the students was to show their sympathy in a fight, in a struggle between the people of Viet Nam against an Imperialism and the Government of Bengal today which claims to be a popular Government, the same League Government today also wants to kill the spirit of fight against Imperialism. That is most unwanted and regrettable. Sir, with these words I again ask our Government and Ministers, specially the Minister in charge of Law and Order, to see that no further incidents like this do happen. Let the students and let the public go on in peace so that unwarranted and unprovoked police excesses as firing, *lathi* charging and tear-gassing do not happen on the streets of Calcutta like this henceforth.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Mr. President, Sir, I would like to say at the outset that no one deplores this incident more than I do or the Government does and it is a matter of great regret that the police had to resort to coercive action on that day. Let us, Sir, however, not confuse the issues. This was no outburst of any imperialist sympathies by the European Commissioner of Police. It had nothing to do with Imperialism at all. As a matter of fact, on one occasion the Commissioner of Police even told the students that he was prepared to allow them to go to Park Street and demonstrate if they wished to do so outside the French Consulate provided that they did not go in a procession and this was refused. The students insisted on going out in a procession. Take the other issue also which has been falsely raised, namely, the necessity or otherwise of section 144 in the city of Calcutta. Regarding that if the issue comes to the fore I would be prepared to seek your vote on that issue and I am sure that all responsible people will support me in the policy that it is not yet time to remove section 144. It is wrong to say that section 144 has been placed there for the purpose of curbing civil liberties. Well, that may be applicable to some other places and some other provinces but not in a place where the memory of the late carnage is still with us and when its effects are still being felt by us. Is there anybody who can deny that things have not yet returned to the normal, that people are still in a state of panic? Are the Muslims in a position now to go back to Hindu localities? Have the Hindus come back and entered the premises which they had vacated in the Muslim localities? Up to now they are still far apart and do not trust each other and in this atmosphere I think it would be dangerous to relax section 144.

On the 21st January some students misled by some designing people came out with the intention of holding a meeting in the University lawn and then marching in procession to Park Street. There is no objection whatsoever to allowing the holding of meetings in the University lawn; nobody has ever attempted to obstruct them here. They can hold any number of meetings there. But if they are out with the intention of violating section 144 and say that we will march in process whatever happens because they want the ban to be removed, then I am afraid that Government cannot take it lying down. As I have said, these unfortunate students

were misled and were taking the chestnuts out of the fire for other people behind. There was no responsible organisation that encouraged the students taking this up. There was no responsible organisation which encouraged the students to defy section 144 or to come out in a procession, and as a matter of fact the more responsible organisations disapproved subsequently of their action. I therefore sympathise with the students all the more that they should have been made pawns of by persons with ulterior motives and not even for a high political ideal.

Now, Sir, I may place before you some of the incidents which took place and which will show to you that it is entirely incorrect to say that the students were unarmed or that there was no violence committed by them that day. Some members have said that they were "thoroughly unarmed". I will show you, Sir, that it was certainly not the police that hurled acid bottles upon themselves, or brickbatted themselves or had their faces bashed, their feet gashed open or thrown into the tank or had their motor cars burnt. These incidents took place and still there are honourable members who come and say in this House that there was no violence. (Mr. LALIT CHANDRA DAS: Did you hold an inquiry?) But I have looked through the reports. Not only have I read through the reports but I have come across several people, several impartial witnesses of the occurrences on that day, who hold that the police acted with a great deal of discretion and commendable restraint. I endorse that view and I had hoped, indeed I had hoped, that far from moving this motion to attack Government and the Police they should have received your co-operation in the maintenance of order and peace. I assure you that the Government is determined to maintain order and peace. I will not have any more repetition of the murders, loot, riots, arson and carnage which we have seen in recent times and this can only be done if instead of critising the Government in the manner you are doing, all of you come forward—which you are morally bound to do—and support the Government in their endeavour.

Now, Sir, if I took Mr. Haridas Mazumdar seriously, if I thought that he had a following, if I thought that he was in a position to create public opinion or to induce people to follow him, I might have had to take certain steps when he calls upon Hindus to revolt against Muslims.....

**Mr. HARIDAS MAZUMDAR:** Not against Muslims but against the Ministry and its imperialism.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I wish he stopped such talks. I wish to assure hon'ble members here that we are not living in the days of the past. Today we are passing through very serious times and it behoves of all men of goodwill to moderate their language so that the tension is relaxed as much as possible. We are certainly doing our best in this direction.

I may now place before you some of the facts relating to the incidents on that day. I may say that at least 18 police officers were injured on the occasion. The police persuaded the students procession of about 50 to disperse who were coming from Mirzapore Street towards Senate House and the University and a large number of students of that type were assembled inside the University lawn. No one objected to that. The only objection was to the passing in procession. They refused to disperse and formed in a procession and thereafter they came out to the College Street shouting slogans. There was another procession of about 500 students coming down College Street. This procession was joined by the students of the University lawn in front of the Hare School and the Presidency College. The students refused to disperse and sat on the ground. This was followed by showers of brickbats coming from various points from the compounds of Hare School, Presidency College and the Senate. It is regrettable that the students utilised the sacred precincts of the Senate House and the University for the purpose of throwing brickbats on the

police as a result of which several officers, including the Deputy Commissioner, North, were injured. Then a procession of about 1,000 students headed by 25 girls arrived and squatted on the road in front of the Presidency College. Here I must deplore the bringing of these young ladies in all such dangerous demonstrations. They made the position very difficult. These young ladies should not have been brought out——

**Mr. LALIT CHANDRA DAS:** Look at Lahore and Punjab.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Their position is quite different from Bengal. Here you are bringing out young girls in their teens whom you are exploiting for creating difficulty. Here you are exploiting the ladies. In the case of Lahore and in other places they are mature ladies who understands, they understand what they are doing. Here they are little girl students who are being pushed forward every time by brave men who are behind them.

Now, Sir, these students refused to be dispersed and 18 arrests were made and there was a *lathi* charge after the girls were removed from the procession. Then the Commissioner of Police arrived there and took charge. He contacted some of the leaders and arranged that the students should come down the road and enter the University compound for the purpose of holding their meeting. He made it quite clear to them that the students will not be allowed to take out a procession. The leaders were unable to control the mob and the students squatted there. Then the Commissioner of Police had no other alternative but to use tear smoke. At 1-55 p.m. or near about 2 p.m. 1 sergeant and about 10 or 12 Inspectors dispersed the students when soda water bottles were hurled on them and when they charged brickbats were showered on them. It was at this period that the sergeant fired two rounds from his revolver which dispersed the crowd and there was no visible casualty. Again there were showers of brickbats and again one more round had to be fired. Then bottles containing acids were thrown on the police. While attempting to approach the University compound the Officer-in-charge of the Hare Street and 1 sergeant were heavily brickbatted and the latter was struck in the face with a brick as a result of which his face was bashed and he fell down unconscious and in order to extricate him the Officer-in-charge fired 2 rounds. Then country-made bombs and crackers were thrown on the police not only from the University buildings but from the South East corner of College Square.....(Mr. LALIT CHANDRA DAS: How many police have been injured?) At about 2-30 p.m. the Commissioner of Police sent for the police force which had been detailed in Wellington Square as it was expected that procession of students from College Square would meet the tramway workers at Wellington Square. The Wellington Square was therefore properly guarded by the police and that meeting of the tramway workers did not materialise. However, Sir, the two sepoys who were being heavily brickbatted fired 5 rounds in self defence. A European gentleman was passing in a car. What happened then? The car was dragged inside Mirzapore Street and set on fire. At 3-30 p.m. Mr. Niharendu Dutta-Mazumdar, M.L.A., arrived on the scene and went inside the University buildings and of course one does not know what took place there. At 5 p.m. Mr. Sarat Chandra Bose arrived there and he spoke to the students.

**Mr. BIJOY SINGH NAHAR:** May I know how many police were injured?

**The Hon'ble Mr. H. S. SUHRAWARDY:** 18 police received injuries and were treated.

**Mr. BIJOY SINGH NAHAR:** How many of them were admitted into the Medical College?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I do not know. Now, Sir, at that time an attempt was made to snatch away a gun from a sepoy and

then bombs were thrown on the police. They were not small or ordinary bombs without any force of violence. This was followed by severe showers of brickbats from the University compound. This was followed by a severe showering of brickbats from the University compound whereupon the police party opened fire with their revolvers, the two sepoys with their rifles. Fourteen persons suffering from bullet wounds had been admitted. This took place on the road. In the south there was equally a repetition. Brickbats were thrown on the police wounding them and whenever they came back (this is a very long report) they were followed by brickbats. And similarly also girls were utilised as the spearhead of this violence. The core of this trouble was that a batch of persons squatted on the road including 15 to 20 girls. (Mr. LALIT CHANDRA DAS: What about Lahore?) My friend is always talking about Lahore. He ought to realise the difference. The ladies there go separately and get arrested. The men do not go behind them, as is the case here, skulking. The ladies there go separately and court arrests. It is not that the men go behind the ladies and push them forward. So don't go on talking about it. It does not redound to your credit (Mr. LALIT CHANDRA DAS: I know it is going home.) As soon as the procession with small girls in the front rank was stopped the men sat behind them on the road squatting. Then brickbats became particularly vicious and small boys apart from ladies now small boys are being utilised for the purpose. Small boys between the ages of 10 and 15 were the chief culprits. Several at various times advanced to within 4/5 yards of the Deputy Commissioner of Police and threw the brickbats several of which struck the Deputy Commissioner of Police. Several police officers had, by this time, sustained brickbat injuries and so on and so on. It is not necessary for me to place before the House all the various incidents which took place in other parts of the town. But after this, to say that they were an unarmed crowd, that they were non-violent and that the police acted without any provocation would be distinctly unfair. I still maintain, Sir, that the police acted with commendable restraint and I seek the vote of this House in their support.

**Mr. BIJOY SINGH NAHAR:** Whose report are you making; was it not a police report?

**The Hon'ble Mr. H. S. SUHRAWARDY:** A much more reliable report than yours. It is the report of those who were on the scene and not the report of those who are speaking here and who never went to the place.

**Mr. BIJOY SINGH NAHAR:** Then who were the culprits?

**Mr. PRESIDENT:** Order, order. Now about the right of reply of the mover of the motion. Since I refused the right of reply to Mr. Mahalanobish I have looked up the rules and precedents. I find that our rule is silent on that point and our precedents are not always very consistent. At one stage such right of reply was refused. Then at another stage the right of reply was allowed. But in the Central Legislative Assembly the right of reply has been allowed and also in the Parliament. As our rules are silent on this point we have got to follow the rules regarding substantive motions. Anyone who moves a substantive motion has the right of reply. So I think henceforth I shall allow the movers of adjournment motions to exercise their right of reply and necessarily the Minister in charge who will have to give his reply a second chance of speaking by way of reply. So if the honourable member in this case wants to exercise his right I shall allow him.

**Mr. LALIT CHANDRA DAS:** Sir, is it necessary to establish our right of reply?

**Mr. PRESIDENT:** It is not a question of establishing your right. You will be permitted to exercise your right under the rules governing substantive motions.

**The Hon'ble Mr. H. S. SUHRAWARDY:** The right being assumed it is not necessary for Mr. Das to speak when he has nothing to say.

**Mr. LALIT CHANDRA DAS:** I shall reply to one point.

Mr. President, Sir, the Hon'ble Home Minister has said that the tension in the city has not yet ceased and that Muslims do not go to the Hindu quarters to live in and Hindus do not go to the Muslim quarters for a similar purpose. Sir, I do not hold that view. The whole tension has really passed away. I believe that at present Hindus are free to go to Muslim quarters and Muslims are also free to go to Hindu quarters, for the purpose of living, and I may repeat that I do not see any tension at all existing between Hindus and Muslims now. That I am right and the Hon'ble Home Minister is wrong will be apparent from what he himself has said. For his statement has been to the effect that the Commissioner of Police himself told the students to go and demonstrate before the French Consulate in Park Circus. (The Hon'ble Mr. H. S. SUHRAWARDY: Not in Park Circus, but in Park Street in European quarters.) All right, may not be in Park Circus, but Park Street is very close to Park Circus and the Commissioner knew very well that in reaching the French Consulate the students would have to pass many Muslim quarters. Therefore I do say that there is not the least apprehension among the two communities or tension between them. For otherwise the Commissioner would not have advised the student demonstrators to go over to the French Consulate to Park Street. Then, again, in going over to Park Street to demonstrate before the French Consulate the students would have to go in a body and that of course would have looked like a procession; that is to say, the police would really allow them to demonstrate under certain conditions only. I do not understand why they should have taken that view. In fact what took place is that the student demonstrators were not only Hindus but Hindus and Muslims together, and, Sir, what for did they come together? They came together for the purpose of expressing sympathy with the people of Indo-China in their struggle for freedom. There is nothing communal about it, there is nothing criminal about it, nor is there anything provocative about it—in this matter of the studnets' demonstration. The British Imperialists knew all that and they knew further that these students were going, these Hindu and Muslim students were going, side by side, hand to hand and heart to heart and that to them spelt danger. That is why, although the Chief Minister has as a matter of fact said that Imperialism had nothing to do with this, he had referred to it only half-heartedly; he knew full well that the British Imperialists did not like this demonstration of Hindu and Muslim students in expressing sympathy for Indo-China's struggle for her liberation for a country inhabited by colonial peoples. I say, therefore, that the continuation of section 144, Indian Penal Code, is wrong and should have been long discontinued. I may cite instances when even under the continuation of this very section 144 there were occasions when this order was suspended, as on the occasion of the Id day and the Idol Immersion Procession. So why this order was not suspended on this occasion also? If the students could be allowed to demonstrate before the French Consulate, why then were they not allowed to demonstrate before the Senate House? I say that the Hon'ble Home Minister in avoiding a public inquiry into the affair which was demanded at many respectable meetings held in several parts of the city, and even within the University Hall, his refusing to institute a public inquiry into the matter only proves that he did not fully and really believe in the reports of the Police which he has read out before the House. If he had really believed the reports he would have surely appointed a public inquiry committee to go into the matter. The students had nothing to hide; they are quite willing that there should be a public inquiry into the affair, and responsible persons, and I believe at one of the meetings the Vice-Chancellor of Calcutta University, wanted the Hon'ble Home Minister to hold a public

inquiry, and if the Hon'ble Home Minister really believed in the reports of the police he would have agreed to hold a public inquiry to scrutinise the details that he read out here. He did not do that. I say, Sir, that the continuation of Section 144 has been a great encoarchment upon the civil liberties of the citizen of Calcutta. It has stood in the way of freedom of speech and holding of public meetings which is the elementary right of every citizen. Moreover Government of Bengal should not have continued this section in a city like Calcutta which is the centre of public opinion of Bengal, nay, of whole India. What Calcutta feels today is felt by the people of whole India tomorrow. In justice and fairness it is time that section 144 is withdrawn. With regard to the statement of the Home Minister that he assured that the people of Calcutta want this section to remain I say that if this matter is voted upon by the members of the Legislature, the opinion of the majority will be—the consensus of opinion will be—for the removal of section 144 and this is that he ought to do. Then, Sir, he has not taken any opinion of the Legislature with regard to the withdrawal of this section, and said nothing about it. Another matter in which he has remained very significantly silent is about the arrest of these young men who have been treated wrongly and then arrested wrongly. They should never have been arrested and kept confined. They are still continuing in Jail and it is a double wrong done aganist these young men. We demand that these persons should be released at once and further I should say that the Government for the sake of honour—and we believe that the Government is honourable—should take into consideration the light heartedness of the students and deal with them in that light. This incident has involved the sad death of two of our young hopefuls and I appeal to Government to be humane and compensate for this loss and pay compensation to their guardians.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Mr. President, Sir, I wonder if Mr. Lalit Chandra Das lives in Calcutta and knows anything about the carnage which took place in the recent past in Calcutta or the sad memory which is still vibrant in the present atmosphere. I know Mr. Lalit Chandra Das does not receive those petitions I do from Hindus asking for protection so that they may go and live safely in Muslim *mahallas*. I know also of petitions coming to me from Muslims asking for protection so that they may go and live in Hindu *mahallas*. Up till now the Muslim mosques in Hindu *mahallas* are not being used by the Muslims except on Friday prayers because they do not like even now to live in their old habitations. But nobody suggests that Hindus and Muslims are not moving about freely in the localities of each other. I am thankful to God that they are now moving about freely and there is a gradual tendency of restoration of good feeling among them which I hope will be helpful in getting the situation normal and it is for that we are hoping and it is for that we are working and it is this for that I do not wish to disturb section 144. All these talks about demonstration for Viet Nam Day and so and so are really an excuse —the talk about Lenin Day was an excuse—the talk about tramway strike was an excuse just to exploit our young people with some people behind them so that it may be a protest against the existence of section 144..... (Mr. HARIDAS MAZUMDAR: Who are these people?) You know who these people are? They belong to an organisation that has not condemned—has not deplored that the students have been utilised. Now, Sir, I do not think it is necessary for me to say more. I hope that the honourable members with their sense of responsibility will not do anything which will disturb the efforts that are being made by us to restore normal condition.

**Mr. PRESIDENT:** Order, order. The question before the House is that this Council do adjourn its business to discuss a definite matter of urgent public importance and of recent occurrence, namely, the serious situation arising out of the unprovoked and unwarranted firing and lathi-charge by the police on the peaceful and unarmed students demonstration

on Viet Nam Day the 21st January last, in front of the Senate House, Calcutta University (College Square, Calcutta) resulting in one student killed and 200 other injured of whom 21 received bullet wounds, including some lady students also.

The motion was put and a Division taken with the following result:—

**AYES—14.**

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Bankim Chandra Dutta.
Mr. Kamini Kumar Dutta.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maitra.
Mr. Haridas Majumdar.
Mr. Nagendra Nath Mohalanabish.
Mr. Bijoy Singh Nahar.
Rai Bahadur Jogendra Nath Ray.
Mr. Biren Roy.
Mr. Biswanath Roy.
Mr. Patiram Roy.
Mr. Charu Chandra Sanyal.

**NOES—34.**

Mr. Abdulla-al-Mahmud.
Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dhirendra Lal Barua.
Mr. Reajuddin Bhuiya.
Mr. L. P. S. Bourne.
Khan Bahadur Syed Abdur Rasid Chowdhury.
Mr. Moazzem Hssein Chowdhury.
Mr. Abdul Hamid Choudhury.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. C. E. Clarke.
Mr. D. J. Cohen, O.B.E.
Mr. E. D. Doyne.
Mrs. Labanyaprobha Dutta.
The Hon'ble Mr. Abdul Gofran.
Mr. A. M. Shahoodul Haque.
Mrj Gerald Joseph Keeman Hook.
The Hon'ble Mr. Saiyed Muazzamuddin Hosain.
Mr. Latafat Hossain.
Alhadj Yar Ali Khan.
Mr. Mobarak Ali Khan.
Mr. Abdul Latiff.
Mr. Syed Abdul Majid.
Mr. George Morgan, C.I.E.
Khan Bahadur Ghyasuddin Pathan.
Khan Bahadur Mukhlesur Rahman.
Mr. Abdul Rashid.
Mr. Amulyadhone Roy.
Miss Ethel Robertson, C.S.P.
Dr. Kasiruddin Talukdar.
Mr. Md. Taufiq.
Khan Sahib Mouivi Wahiduzzaman.
Haji Md. Yusuf.

**Mr. PRESIDENT:** Order, order, The House has divided—for the motion 14; against the motion 34. The motion is therefore lost.

## GOVERNMENT BILLS.

### The Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, with your permission I beg to move that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947, be taken into consideration.

Sir, this is a very small measure; it seeks to extend by one year the term of the Bengal Non-Agricultural (Temporary Provisions) Act, 1940, which was enacted as a temporary measure, pending the permanent enactment of non-agricultural tenancy legislation. The idea is that a comprehensive Bill on the subject had been introduced into the Assembly and referred to a Select Committee. The Select Committee has now completely reached the end of its deliberations and its report is expected to be submitted at the end of this month. But as it may not be possible to pass the Bill through both Houses of the Legislature during the current session, hence there has been this necessity felt to extend the term of the existing Act, which is temporary. I may also inform the House that the present Temporary Act is due to expire on the 29th of May. Hence I hope the House will agree to this motion.

**Mr. PRESIDENT:** Motion moved that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947, be taken into consideration.

**Mr. NAGENDRA NATH MAHALANOBISH:** I beg to move that the Bill be circulated for eliciting opinion thereon by the 28th May 1947.

Sir, the Bill whose life is going to be extended again by one year was enacted in the year 1940. The idea was that within two years of its first enactment Government would put forward a compresentive Bill dealing with the rights of non-agricultural tenants. Since then the life of the Bill was extended to several occasions, if I remember aright, for three successive terms, and on the last two occasions the House was assured by the Hon'ble Minister in charge at the time that he would not ask for any further extension of the Bill and that he would bring before the House and pass a comprehensive Bill. Sir, we may be assured now that a Bill has been introduced in the Assembly and that the Select Committee report is being awaited. But it is clear from the introduction of this particular Bill that the Government do not propose to have that Bill passed by the two chambers of the Legislature within this particular session and before the 29th of May. As you are aware owing to the existence of this Bill in the Statute Book the rights of the tenants are remaining in a nebulous condition. Nobody knows what right the tenants possess and what right the landlords have. Litigation, perhaps numbering over 40,000, are pending in the numerous courts in Bengal and there is so much uncertainty with regard to the non-agricultural tenants right and people do not know where they stand. People who have taken land for building purposes are not able to start their building, landlords cannot take possession of the land which they want with the result that there are utter confusion in the minds of the landlords as well as the tenants. In this way the Government of Bengal has taken seven long years' time and public opinion should be sought on the question whether any further extension of time should or should not be allowed. If really Government think that the comprehensive Bill has progressed so much regard being had to the fact that the Select Committee report is going to be placed before the Assembly, I submit that this Bill can wait till 29th May and that in the meantime if the Select Committee report is ready or is going to be ready very soon there is no reason why we should not wait for the comprehensive Bill and why this temporary Bill should have another year's extension. The vital question is that the Landlords do not know what are their rights and the tenants also do not know what is their position the landlords do not know whether they have right of ejectment and if so under what circumstances. These things must be settled and settled finally very soon and we on this side of the House and the public at large are not going to accept this shilly shallying which Government are doing. I therefore ask the House to accept my amendment and ask the Government to present the comprehensive Bill as soon as possible so that it may be passed by both Houses this session.

**Mr. PRESIDENT:** Amendment moved that the Bill be circulated for eliciting opinion thereon by the 28th May 1947.

**The Hon'ble Mr. SYED MUAZZAMUDDIN HOSAIN:** Sir, I had promised to bring the Bill before the House this session and in accordance with that promise the Bill was submitted to the Select Committee of the other House and I understand that it has got through the Select Committee and it is now ready for presentation before the other House very soon. So there is no point in putting forward this amendment for circulation of this temporary Bill. As a matter of fact it is only for the purpose of safeguarding the rights of the tenants that we are asking for this extension, because the passage of the comprehensive Bill will take some time. It will have to be submitted to the Assembly which will have to consider the Bill clause by clause and pass it and after that it has to come to our House. It may not be possible, for the Bill to pass through both the Houses this session and so it is necessary to extend the term of the Temporary Bill as a precautionery measure. Sir, I do not understand what will be gained by my honourable friends over there by moving this motion. He says that the rights of the non-agricultural tenants are very shadowy. Everybody knows that. And therefore we want to pass the comprehensive legislation.

In order that the comprehensive legislation may not be delayed, we mus make sure that the term of the temporary Bill does not expire and we ma not have to start again on a new slate. In this Bill we have provided fo one year's extension only. We may not require one year. We may b able to get it through both the Houses even before expiry of the term o the Temporary Bill, but to be on the safe side we have provided for th extension. I think the amendment moved by the Opposition is not at al necessary.

**Mr. PRESIDENT:** The question before the House is that the Bill b circulated for the purpose of eliciting opinion thereon by the 28th May 1947.

The motion was put and lost.

**Mr. PRESIDENT:** The question before the House is that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947, be taken into consideration.

The motion was put and agreed to.

*Clause 1.*

**Mr. PRESIDENT:** Clause 1 stand part of the Bill.

Mr. Nur Ahmed, the last date for receiving amendments was Friday last and your amendment has been received by the Department this morning. So your amendment cannot be admitted.

**Mr. NUR AHMED:** Sir, I do not like to move my amendment.

**Mr. PRESIDENT:** The question before the House is that clause 1 stand part of the Bill.

The motion was put and agreed to.

*Clause 2.*

**Mr. PRESIDENT:** Clause 2 stand part of the Bill.

The question before the House is that clause 2 stand part of the Bill.

The motion was put and agreed to.

*Clause 3.*

**Mr. PRESIDENT:** Clause 3 stand part of the Bill.

The question before the House is that clause 3 stand part of the Bill.

The motion was put and agreed to.

*Title and the Preamble.*

**Mr. PRESIDENT:** The Title and the Preamble be added to the Bill.

The question before the House is that the Title and the Preamble be added to the Bill.

The motion was put and agreed to.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I beg to move that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947, as settled in the Council be passed.

**Mr. PRESIDENT:** Motion moved that the Bill as settled in the Council be passed.

The question before the House is that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947, as settled in the Council be passed.

The motion was put and agreed to.

### The Public Demands Recovery (Amendment) Bill, 1947.

**Mr. PRESIDENT:** The Public Demands Recovery (Amendment) Bill, 1947, is the next item on the agenda. I understand that this Bill was received by the Council Department only this morning and the department had no opportunity of examining the provisions of the Bill. So I would request the Hon'ble Minister to take it up later.

**The Hon'ble Mr. FAZLUR RAHMAN:** May I do so tomorrow, Sir?

**Mr. PRESIDENT:** Yes.

The House stands adjourned till 2-15 p.m. tomorrow.

### Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday the 12th February, 1947.

**Members absent.**

The following members men absent from the meeting held on the 11t February, 1947:—

(1) Khan Bahadur Sheikh Fazal Ellahi,
(2) Mr. Mungturam Jaipuria,
(3) Mr. Humayun Z. A. Kabir,
(4) Mr. T. B. Nimmo,
(5) Dr. Kumud Sankar Ray, and
(6) Mr. Satish Chandra Sen,

# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947—No. 5.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 12th February 1947, at 2-15 p.m. being the fifth day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTIONS AND ANSWERS

### Strike in the Imperial Bank of India.

**42. Mr. NAGENDRA NATH MAHALANOBISH:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state if he is aware that all the branches of the Imperial Bank of India working in this Province have ceased to function owing to the strike of its staff?

(*b*) If so, have the Government taken any steps to provide facilities for the public to deposit money due on account of taxes payable by them to Government or other monies required to be deposited under Civil Court order and decrees?

(*c*) If not, do the Government propose to take immediate steps to provide such facilities?

**Mr. ABDUR RASHID, Parliamentary Secretary (on behalf of Minister in charge of the Finance Department):** (*a*) to (*c*) The honourable member is referred to the reply already given to a similar question by him, viz., No. 16 of the 3rd February, 1947.

**Mr. NAGENDRA NATH MAHALANOBISH:** In this House or in the other House—in which House?

**Mr. ABDUR RASHID:** It has already been replied to.

### Civil Court for Kalimpong and Kurseong.

**43. Mr. NAGENDRA NATH MAHALANOBISH:** (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state if he is aware that the litigant public at Kalimpong and Kurseong in the district of Darjeeling and Alipur Duar in the district of Jalpaiguri find it extremely inconvenient to have their civil cases tried by Magistrates not sufficiently acquainted with Civil Law and Procedure?

(*b*) If so, will the Government be pleased to consider the propriety of appointing Munsifs to dispose of the civil cases in those places?

**MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Mr. Nagendra Narayan Ray):** (*a*) and (*b*) Yes.

**Mr. NAGENDRA NATH MAHALANOBISH:** Will the Hon'ble Minister please state if he has got any idea as to from which date this will be given effect to?

**Mr. NAGENDRA NARAYAN RAY:** Sir, the question of the appointment of munsifs in those stations will depend on three things, firstly, the number of suits in each station, secondly, the availablity of munsifs and thirdly, the accommodation of court rooms, and their residence.

**Mr. ABDULLAH-AL-MAHMUD:** From the criteria given by th Hon'ble Minister, does he think that the stationing of a munsif in th stations of Jalpaiguri and Kalimpong is necessary now?

**Mr. NAGENDRA NARAYAN RAY:** Will the hon'ble member pleas repeat his question?

**Mr. ABDULLAH-AL-MAHMUD:** My question is this: Does th present figure of suits justify the appointment of a munsif in those stations?

**Mr. NAGENDRA NARAYAN RAY:** No.

**Mr. ABDULLAH-AL-MAHMUD:** Then how does he say "yes" in th printed answer?

**Mr. NAGENDRA NARAYAN RAY:** As I have already said, Sir, th matter will depend on these three things; if these three conditions ar satisfied, then they will be posted.

**Mr. HAMIDUL HUQ CHOWDHURY:** Are the conditions disjunctiv or conjunctive? Each of the conditions is to be fulfilled or any one o them? Suppose one condition is fulfilled and there are a large number o civil cases, will Government accept it in spite of the fact that there is n munsif available?

**The Hon'ble Mr. NAGENDRA NARAYAN RAY:** Unless the munsif are available how are they to be appointed?

**Mr. HAMIDUL HUQ CHOWDHURY:** Suppose there are a number o munsifs available but there are insufficient cases?

(No answer.)

**Mr. ABDULLAH-AL-MAHMUD:** With regard to question (*b*) "if so will the Government be pleased to consider the propriety of appointing munsifs to dispose of the civil cases in those places", the reply is "yes" Now the question is have the Government considered the propriety o appointing munsifs from the criterions that the Hon'ble Minister has just now suggested in his reply: Does it fulfil the condition?

**The Hon'ble Mr. NAGENDRA NARAYAN RAY:** The answer is in th affirmative.

**Mr. ABDULLAH-AL-MAHMUD:** That means that we are to under stand that the Government have examined the question and have come t the conclusion that there is sufficient number of civil cases and that ther is necessity of appointing the munsifs. Am I to understand this?

**The Hon'ble Mr. NAGENDRA NARAYAN RAY:** I have alread replied that when these conditions are fulfilled——

**Mr. PRESIDENT:** What are those conditions?

**The Hon'ble Mr. NAGENDRA NARAYAN RAY:** Firstly, the numbe of suits in each station; secondly, availability of munsifs and thirdly accommodation of court rooms.

**Mr. PRESIDENT:** Mr. Abdullah-al-Mahmud's question is—ar Government satisfied as regards the number of suits.

**The Hon'ble Mr. NAGENDRA NARAYAN RAY:** I want notice.

**Mr. SULTANUDDIN AHMED:** What is meant by availability o munsifs? Does the Government mean that there are not sufficient numbe of officers to be transferred or does the Hon'ble Minister want fresh men t be appointed and that there are no candidates? In reply to a question th Hon'ble Minister said that one of the factors for which this was not give

effect to is that munsifs are not available. Does the Hon'ble Minister mean to say that sufficient number of munsifs are not there to be transferred or although Government wanted to appoint munsifs, there are no candidates available?

**The Hon'ble Mr. NAGENDRA NARAYAN RAY:** Government will appoint a fresh batch of munsifs soon. At present the number is not sufficient.

**Mr. HAMIDUL HUQ CHOWDHURY:** The question was that great difficulty is felt by people as regards disposal of civil cases: the answer is "yes". Then the Hon'ble Minister in reply to a supplementary question said that it depends entirely upon three factors mentioned before——

**Mr. PRESIDENT:** Order, order. I think the Hon'ble Minister has fully replied to the question. He has said that he wants fresh notice. As regards the number of civil suits, the Government have not yet examined whether there are sufficient number of civil suits in the district to justify the posting of a munsif in the district.

### Bengal Markets Regulation Bill.

**45. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state whether it is a fact that a Bill under the caption Bengal Markets Regulation Bill was passed by the Bengal Legislative Assembly at the time of First League Coalition Ministry formed in 1937 and was referred to a Select Committee in the then Bengal Legislative Council?

(*b*) If so, do the Government of Bengal propose to proceed with the said Bill or similar Bill with a view to making it a law?

(*c*) If not, why not?

**Mr. ABDUR RASHID, Parliamentary Secretary (on behalf of the Minister in charge of the Department of Agriculture, Forests and Fisheries):** (*a*) and (*b*) Yes.

(*c*) Does not arise.

**Mr. SULTANUDDIN AHMED:** Why there is so much delay in giving effect to this Bill. It was introduced in 1937 and we are in 1947 now?

**Mr. ABDUR RASHID:** The delay is due to the fact that this Bill was passed by the Bengal Legislative Assembly and then it was referred to the Bengal Legislative Council where it was referred to the Select Committee. The report of the Select Committee was not ready when section 93 came into operation.

**Mr. ABDULLAH-AL-MAHMUD:** Sir, the answer (*b*) says "Yes". "Yes" relate to which part of the question? Does the Parliamentary Secretary intend to say that the said Bill will be introduced or a similarly drafted Bill will be introduced?

**Mr. ABDUR RASHID:** A similarly drafted Bill will be introduced. That is a new Bill altogether.

### Nationalisation of the utility services.

**46. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Department of Commerce, Labour and Industries be pleased to state if the Government of Bengal propose to nationalise the utility services, such as, (*i*) supply of electricity, (*ii*) public bus, and tram services, etc.?

(*b*) If so, what steps have been taken by the Government to achieve these purposes?

(*c*) If not, why not?

**MINISTER in charge of the DEPARTMENT of COMMERCE, LABOU AND INDUSTRIES (the Hon'ble Mr. Shamsuddin Ahmed):** (*a*)(*i*) T Provincial Government have already accepted the policy of nationalisati of the electricity supply industry and propose to acquire electrical und takings in the Province as their option of purchase occurs.

(*ii*) Regarding bus and tram services a scheme for the formation Calcutta Passenger Transport Board to take over all passenger transp services including the tramways has been worked out. The scheme invol legislation, proposals for which are under consideration.

(*b*) The option of purchase in respect of the Barrackpore Electric Sup undertaking falls due on the 2nd December, 1947, and notice has alres been served on the licensee intimating Government's intention to exerc the option. It has also been decided that the option of purchase of t Calcutta and District Consolidated Electric License, 1946, should exercised on 1st January, 1950, and that the necessary financial implicatic arising therefrom be examined. Options of purchase of other undertakin as they occur, will normally be exercised. Government have alrea accepted a scheme for the electrification of the rural area lying on the no and north-west of Calcutta within a triangle formed by Gouripur, Burdw and Krishnagar which has been put into operation as a State enterprise.

Regarding bus and tram services *see* answer to clause (*a*)(*ii*) above.

(*c*) Does not arise.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister be plea to state whether a notice has been served on the licensee intimating th Government intends to exercise the option with respect of the purchase the Calcutta and District Consolidated Electric License, 1946?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** It has been stated in t answer that the option of purchase of the Calcutta and District Consolida Electric License, 1946, will be exercised. The Cabinet has decided that t option will be exercised. There are other complications. We have to f out a large amount of money, for which the Government of India will h to be approached and so on and so forth.

**Mr. LALIT CHANDRA DAS:** What will be the time for serving t notice?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** At the end of 1947—t year.

**Mr. HAMIDUL HUQ CHOWDHURY:** Will the Hon'ble Minister pleased to state what actual steps have been taken for the purpose of asc taining the valuation of these undertakings?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Our expert and ot officers met and they went into the whole thing. This took place un section 93 regime and we had to accept that positon.

**Mr. HAMIDUL HUQ CHOWDHURY:** Is it correct to say that to f out the actual valuation a formula has been worked out but that the act figure work is a tremendous thing and will require the services at least o special committee of experts and if the latter work is not undertaken proper time this option of purchase could not be exercised? It is necess to ascertain the complicated figures of actual costing. The formula has b worked out but the actual costing requires examination which may invo the appointment of a committee of experts as was done in England.

**Mr. HARIDAS MAJUMDAR:** Regarding bus and tram services, it stated in the printed answer, that a scheme for the formation of a Calcu Passenger Transport Board has been worked out. Now will the Hon't Minister please explain very shortly the scheme that has been formulate

**The Hon'ble Mr. SHAMSUDDIN AHMED:** The scheme is under consideration. I am not in a position to tell you just now as to what shape it will take.

**Mr. ABDULLAH-AL-MAHMUD:** Will the Hon'ble Minister be pleased to state whether the principle of nationalisation of the transport services had been accepted by the Government?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** That is under consideration.

**Mr. LALIT CHANDRA DAS:** If you fail to exercise the option and if you fail to take up the Calcutta Electric Supply Corporation in 1950, when is the next period you get for the exercise of your option?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** That will be about 15 to 20 years after. However I can tell this House that Government have decided that the option of purchase will be exercised in 1950.

**Mr. HAMIDUL HUQ CHOWDHURY:** With regard to the bus and tram services, will the Hon'ble Minister be pleased to state when he will be making a statement regarding the Government's accepted policy?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** In a short time.

**Mr. LALIT CHANDRA DAS:** Is it not a fact that during Governor Casey's time an estimate was actually drawn up as to what amount of money will be required for the purpose of acquiring the Calcutta Electric Supply Corporation in 1950?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Yes, Sir, the amount was near about 25 crores during that regime and over and above that a building will have to be built possibly at a cost of 5 crores of rupees. Now that thing has already been examined and the Government will have to take it up if the electricity undertaking is to be taken over and Government are prepared to take it up to have that under consideration and grant and establish the southern section of the undertaking.

**Mr. HAMIDUL HUQ CHOWDHURY:** In answer (*a*) (*ii*) in the last sentence, it is stated "the scheme involves legislation, proposals for which are under consideration". Does not this sentence give the meaning that Government have already accepted the principle of nationalisation and has come to the stage of legislating?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** The scheme itself is under consideration.

**Mr. HAMIDUL HUQ CHOWDHURY:** That cannot be the meaning of that sentence. The noun "proposals" refers to "legislation" and not "scheme". So it is apparent that the Government have already accepted the policy of acquiring these transport services.

**Mr. HAMIDUL HUQ CHOWDHURY:** Please see the answer. "The scheme involves legislation, proposals for which are under consideration". It is clear from this that "proposals" for "legislation" are under consideration. Which governs what, legislation or your policy itself?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Both.

**Mr. HAMIDUL HUQ CHOWDHURY:** Will the Hon'ble Minister be pleased to state whether he will be able to make an announcement before this House in the course of the session as regards Government's policy regarding these bus and tram services?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** I hope to.

**Mr. HAMIDUL HUQ CHOWDHURY:** In view of the statement made by the Hon'ble Minister that Government have accepted the policy of nationalisation of the electricity supply industry, will he be pleased to state if it is a fact that only recently Government have given sanction for a certain rural electrification scheme to a private company?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** That is a different thing altogether. But that is the general position with regard to the services. So far as the electricity services in the province are concerned, Government are trying to undertake or inaugurate the grid system. As I have already indicated, there is the North Calcutta (Rural) Electricity Scheme which goes from Gourepore and then goes on *via* Ranaghat and Krishnagar and Kalna and Burdwan and then comes back. There is another scheme which runs from Chittagong and goes right up to Noakhali and then to Mymensingh and comes to Dacca and to Chandpur. As regards the two others, one is from Sealdah to Khulna, another from Sealdah to Budge Budge and Diamond Harbour and these are places where Government will run their own concerns. There are ten or eleven cases where small places have been asked to electrify themselves with the aid of companies or persons. Orders have been issued and a Cabinet sub-committee has been formed to decide whether in small places the grid system or any other system for individual places will be allowed or not. And orders have been issued.

**Mr. HAMIDUL HUQ CHOWDHURY:** The question that I wanted to ask is this: Government while considering applications from private companies have established electrical concerns in rural areas and have decided to grant licenses to private concerns before they have decided to establish an Electricity Board for the province. Have you granted any license to any new concerns which are private?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** I have already explained the position clearly. Our Special Officer, Col. Evans, has been looking into these things and he has placed before the Cabinet certain proposals; these proposals are that there are hundreds of applications from different places for issue of licenses to individuals and concerns. The Special Officer has accepted the principle of the grid system and placed it before the Government. The North Calcutta Rural Scheme has already been accepted and will probably function from the next month, I hope. So far as smaller undertakings are concerned as was arranged we granted only preliminary licenses, ten or eleven in number. After that we decided in the Cabinet that the whole thing should be considered. Applications from various places have arrived and are pending consideration by Government. But we have not yet issued orders and we are considering the matter and until it has been settled licenses to private concerns will not be issued. There will be an agreement that when Government will be ready to run a scheme and will be in a position to supply electricity at cheap rates these companies will have to give up their licenses.

**Mr. SULTANUDDIN AHMED:** Why is it that Bogra has been omitted as well as Kushtia from the grid system——.

**Hon'ble Mr. SHAMSUDDIN AHMED:** I have already said—— (interruption). Please listen to me. The grid system, as I have already said, so far as North Calcutta Rural Electricity Scheme is concerned, it does not go up to Kushtia and Chaudanga and goes from Gouripore, Ranaghat and Krishnagar *via* Kalna and then to Burdwan and comes back and the other one goes up to Khulna and the two other to Burdwan and other places. Only preliminary licenses have been issued for 10 places and there are still 50 applications for license-pending but no orders have been passed on them. The whole matter will be considered by the Cabinet very soon and a sub-committee will be appointed for a final settlement.

**Mr. HAMIDUL HUQ CHOWDHURY:** Sir, this is not a new question. But what is the reason that Government have been simultaneously dealing with private license holders and granting them licenses when they are proposing to take up the whole electricity policy before they consider and decide the entire position?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** The proposal was submitted by Special Officer; it is now under consideration as to what procedure should be followed.

**Mr. HAMIDUL HUQ CHOWDHURY:** Sir, with regard to the 9 or 10 cases for which licenses have been issued, was there any imperative necessity to grant these licenses——.

**Mr. PRESIDENT:** May I make a suggestion—why don't you make a comprehensive statement with regard to the matter, Mr. Shamsuddin?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** All right, Sir.

**Mr. PRESIDENT:** When do you propose to do so?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Next week.

### Recommendations of the Bengal Weights and Measures Enquiry Committee.

**47. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Department of Commerce, Labour and Industries be pleased to state whether the Bengal Weights and Measures Enquiry Committee appointed by the last Ministry has submitted its final report?

(*b*) If so, on what date?

(*c*) Do the Government propose to enact any legislation in Bengal embodying the recommendations of the said Enquiry Committee? If so, when?

(*d*) Has the report of the said Enquiry Committee been published by the Government of Bengal?

(*e*) If not, why not?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** (*a*) Yes.

(*b*) 4th December, 1944.

(*c*) Yes. A Bill is proposed to be introduced in the Legislature in session after the next.

(*d*) No.

(*e*) The report was so long under examination and hence it was not published. I, however, hope to publish it very shortly.

### Circulation of Order Papers.

**Mr. KAMINI KUMAR DUTTA:** May I submit a matter? Today we have not received the Order Paper and we do not know what was the work before the House.

**Mr. PRESIDENT:** There was some difficulty. The Order Paper was received only this morning and it was despatched by post. Naturally it has not reached the honourable members.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, we sent it yesterday.

**Mr. PRESIDENT:** That is why they have not reached the honourable members because it was sent by post. The previous arrangement of distributing Order Papers through cycle peons should be revived.

**The Hon'ble Mr. MOHAMMED ALI:** We shall see that Order Paper and other urgent papers are circulated by special massengers.

**Mr. PRESIDENT:** I think that will serve the purpose.

### Laying of the Bengal Civil Pioneer Force Ordinance, 1947.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to lay on the table the Bengal Civil Pioneer Force Ordinance, 1947.

**Mr. KAMINI KUMAR DUTTA:** Sir, I rise on a point of privilege of the House. Sir, may I know when the Ordinance was promulgated. So far as our information goes, it was promulgated just on the day preceding the first sitting of the House, namely, on the 2nd February, 1947. The House was going to sit on the 3rd February, 1947, the next day. No doubt section 88 lays down that the Governor has the power to promulgate an Ordinance during recess of the Legislature but when the Legislature was going to sit the next day, may not the House complain that by promulgating this Ordinance the power of the House has been taken away and the House has every right to question the abrogation of the privilege of the House.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, it appears that it was necessary that the Ordinance should be promulgated so that it may have some force, it may run for some time before it is made into law. The Ordinance was promulgated for the purpose of continuing the provisions of the Government of India Ordinance. If we had not produced this, I believe that the Bengal Civil Pioneer Force would have been illegal and we might not have been able to meet their expenditure. The position was that the Ordinance could have been promulgated a few days earlier but for the fact that on account of His Excellency's previous engagement, His Excellency could not return to Calcutta before the 2nd February and His Excellency signed it on the very day of his arrival in Calcutta.

**Mr. LALIT CHANDRA DAS:** When the old Ordinance expired?

**The Hon'ble Mr. H. S. SUHRAWARDY:** That is more than I know, Sir.

**Mr. KAMINI KUMAR DUTTA:** The Hon'ble Minister says that he cannot say when the Ordinance expired. In that case the question of the urgency of the Ordinance just on the day previous to the first sitting of the House does not arise and the grievance of the House still remains.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I am just now told that it had already expired and the matter became more urgent. It expired prior to the 2nd Ferbuary.

## GOVERNMENT BILLS.

### The Bengal Public Demands Recovery (Amendment) Bill, 1947.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I beg to introduce the Bengal Public Demands Recovery (Amendment) Bill, 1947, give notice that I shall move at short notice that the said Bill be taken into consideration and passed as settled in the Council.

Sir, it is a one-clause Bill.

**Mr. PRESIDENT:** The amendments may be put in by 3 p.m. on Friday, the 14th.

**Mr. PRESIDENT:** The next item is item No. 4, the Bengal Tenancy (Amendment) Bill, 1947.

**Mr. ABDULLAH-AL-MAHMUD:** Sir, as regards the announcement made by you just now regarding submission of amendments to the previous Bill, notice may kindly be issued from your office to that effect.

**Mr. PRESIDENT:** That will be done as usual, I am sure.

**Mr. KAMINI KUMAR DUTTA:** As yet we have not received the day's Order Paper.

**Mr. PRESIDENT:** It has been circulated, I believe. (SEVERAL MEMBERS: No, No.) They have been posted but did not reach you, I believe. They will be circulated now.

## The Bengal Tenancy (Amendment) Bill, 1947.

**The Hon'ble Mr. FAZLUR RAHAMAN:** Sir, with your permission I beg to move that the Bengal Tenancy (Amendment) Bill, 1947, be taken into consideration.

The Bill has been framed with a view to—

(1) abolishing landlords' fees in respect of transfer of permanent tenures and holdings at fixed rates,

(2) relieving the Collectorates of the work of serving notices of transfer of tenures and holdings, and

(3) extending the period of suspension of the provisions for enhancement of rents so far as they relate to rents of *raiyats* and under-*raiyats* for a further period of 5 years with effect from the 27th August, 1947, on which date the existing section 75A will cease to operate.

Landlords' fees for transfer of permanent tenures and holdings at fixed rates are payable at the rate of 2 per cent. on the annual rent subject to a maximum amount of Rs. 100 and the minimum of Re. 1. In most cases, the amounts are very small and they are payable to a large number of superior landlords. The labour and expense involved in the Collectorates under the existing procedure for the transmission of these fees are out of all proportion to the value of the fees with the result that the bulk of it is actually forefeited to Government and the landlords do not consider it worth while to withdraw it. It is for this reason and as a matter of administrative reform of the Collectorates that the Rowlands Committee recommended the abolition of these fees.

The Committee also recommended that the Collectorates should be relieved of serving notices of transfer of all *raiyati* holdings which has placed unnecessary burden on the Collectorate staff. They considered that in the case of transfer in such cases the interest of the transferee to get his name mutated in the landlords' *sherista* was so great that it was unnecessary to make any special provision in the Act on that account. Government however consider that as the notification of these transfers is a matter of considerable importance to the landlords as well as tenants, their interests are likely to be adversely affected if the official recognition to the service of transfer notices is taken away altogether. Provisions have accordingly been made in the Bill for the service of such notices direct through the Sub-Registrars' offices and the civil courts, as the case may be, the Collectorates being relieved of the work.

As regards the provision in the Bill regarding further extension of the period of suspension of the provisions for enhancement of rent, Government consider that any enhancement of rents of *raiyats* and under-raiyats at the present level of high prices which have not yet stabilised will cause them great hardship.

With these words, Sir, I beg to move for consideration of the Bill.

**Mr. PRESIDENT:** Motion moved that the Bengal Tenancy (Amendment) Bill, 1947, be taken into consideration.

The question before the House is that the Bengal Tenancy Amendment Bill, 1947 be taken into consideration.

The question was put and agreed to.

*Clause 1.*

**Mr. PRESIDENT:** Clause 1 stand part of the Bill.

The question before the House is that clause 1 stand part of the Bill.

The question was put and agreed to.

*Clause 2.*

**Mr. PRESIDENT:** Clause 2 stand part of the Bill.

The question before the House is that clause 2 stand part of the Bill.

The question was put and agreed to.

*Clause 3.*

**Mr. PRESIDENT:** Clause 3 stand part of the Bill.

The question before the House is that clause 3 stand part of the Bill.

The question was put and agreed to.

*Clause 4.*

**Mr. PRESIDENT:** Clause 4 stand part of the Bill.

The question before the House is that clause 4 stand part of the Bill.

The question was put and agreed to.

*Clause 5.*

**Mr. PRESIDENT:** Clause 5 stand part of the Bill.

The question before the House is that clause 5 stand part of the Bill.

The question was put and agreed to.

*Clause 6.*

**Mr. PRESIDENT:** Clause 6 stand part of the Bill.

The question before the House is that clause 6 stand part of the Bill.

The question was put and agreed to.

*Clause 7.*

**Mr. PRESIDENT:** Clause 7 stand part of the Bill.

**Mr. C. MORGAN:** I beg to move that in sub-clause (*1*) of clause 7 of the Bill, for the words commencing with "and all such provisions" and ending with "the twenty-seventh day of August, 1947" the following be substituted, namely:—

"Provided that for a further period of five years with effect from the twenty-seventh day of August, 1947, all such provisions relating to enhancement of rent of a *raiyat* or an under-*raiyat* shall take effect subject to the following restrictions:—

(*a*) That in the case of an enhancement on the ground that there has been a rise in the average local prices of staple food crops during the currency of the present rent, the amount of the enhancement shall not exceed twenty *per centum* of the present rent; and

(*b*) That in the case of an enhancement on the gound of a landlord's improvement the amount of the enhancement shall not exceed ten *per centum* of the amount expended on the improvement".

Sir, we do not like this Bill very much but one or two points I would like to make in my amendment. I would like to mention that the proposal to amend section 75A will, however, have far-reaching effects on all landlords; primarily it appears to me to be solely for the purpose of preventing landlords and others from increasing their annual demand, thus affecting the agricultural income-tax and compensation payable for rent-receivers' rights on the abolition of the zamindary system to effect which Government are already committed.

Government have also stated their intention of keeping the price of agricultural produce up to a level which will enable the cultivator to obtain a reasonable profit from his land. The Explanation in the Statement of Objects and Reasons is therefore feeble in the extreme. Government evidently forgot when they talked of food staples that *raiyats* were the people who produced the food and were getting 400 per cent. of the pre-war price. So that they could pay and they were in a position to pay a higher price for other goods. But Sir, landlords are amongst the very few people whose annual income did not increase during the war period although the high price obtainable for produce enabled landlords to collect arrears of rent to support the rise in the cost of living. These arrears have now been practically cleared and in view of Government's intention to maintain high prices for agricultural produce, it is very unfair that the landlord should not himself reap any benefit from the enhanced income which the tenant is deriving from land now that the tenants have wiped off their arrears. As this Bill proposes that landlords will have to continue to do without enhancement as we have been doing for the last ten years. Accordingly if the zemindary system is to be abolished, it would seem that zemindars will never again enjoy the right to enhanced rent regardless of the extent of the profit the tenants may make from cultivation.

Now that the arrears have been cleared, their seems no reason why the tenant should not be asked to pay more towards the landlord's much increased costs, possibly Government have in mind an intention to put forward such a very reasonable view only at such time as they themselves have become direct landlords and in the meantime will consider the view as undemocratic and not one which in the meantime will be appreciated by the Legislature,—they look at it now as undemocratic and it will be democratic when they become landlords themselves. It seems to me, Sir, that it is absurd to remain for 5 years under the present condition and we can only agree to that with the proviso I have suggested. The point is that in every other provision landlords are given 10 per cent. or 20 per cent. of the increase in the profit of the tenants and my point is that when the tenant gets the benefit of the increased cost of his production and when he is able to stand up to the higher prices—the inflation prices—and when he gets very much higher prices for his food crops, there is no reason why the landlord should be deprived of a share of this increase. The pre-war price of paddy was Rs. 1-12 or Rs. 2 per maund. But what is it now? It is nothing less than between Rs. 7 or Rs. 8 per maund. Surely that puts the *raiyat* in a position to pay a little higher rent to his landlord. Government merely base their reasoning in bringing this Bill on the high prices of foodstuff. But they do not take into consideration the fact that on account of the high cost of his food grains this money is also in the hands of the *raiyat* to meet this position. In the circumstances I would ask the House to accept my amendment.

**Mr. PRESIDENT:** Amendment moved that in sub-clause *(1)* of clause 7 of the Bill, for the words commencing with "and all such provisions" and ending with "the twenty-seventh day of August, 1947" the following be substituted, namely:—

"Provided that for a further period of five years with effect from the twenty-seventh day of August, 1947, all such provisions relating

to enhancement of rent of a *raiyat* or an under-*raiyat* shall take effect subject to the following restrictions:—

(*a*) That in the case of an enhancement on the ground that there has been a rise in the average local prices of staple food crops during the currency of the present rent, the amount of the enhancement shall not exceed twenty *per centum* of the present rent; and

(*b*) That in the case of an enhancement on the ground of a landlord's improvement the amount of the enhancement shall not exceed ten *per centum* of the amount expended on the improvement".

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Sir, I beg to oppose this motion. My reason for doing so is that my friend over there is not aware how much inequitable and unfair the enhancement of rent on the ground of rise in the prices of food crops is on the generality of *raiyats*. The Land Revenue Commission took statistics and it was found that in Bengal 75 per cent. of the *raiyats* had uneconomic holdings, 46 per cent. of the *raiyats* of Bengal hold less than 2 acres of land on which a family of 5 to 6 depends has to subsist, 11 per cent. hold 2 to 3 acres, 9:4 per cent. only 3 to 4 acres, 8 per cent. hold 4 to 5 acres and only 17 per cent. hold between 5 to 10 acres and 8 per cent. more than 10 acres. These last two are the holders of economic holdings and the rest 75 per cent. are holders of uneconomic holdings who cannot even meet costs of living. To increase the rent of these tenants would mean killing them outright. They are already starving and as a matter of fact according to the present political economists such holders of holdings should not pay any rent at all just as people with a minimum income have not got to any income-tax. So according to the present economic principles their rents should be excused. If any enhancement is made, on the ground of prices 75 per cent. of the *raiyats* will be hit and very unjustly hit. (AN HONOURABLE MEMBER: What about khasmahal lands?) We shall follow this principle in regard to khasmahal also. Honourable members may be aware of the history of section 75A which was introduced in 1938 just after the first Ministry came into power under the Government of India Act, 1935. *Raiyats* claim that the zemindars have no right to enhance the rent. This point was particularly gone into by the Land Revenue Commission and they came to the conclusion that their rent was meant to be permanently fixed by the Court of Directors. The Report says "Nevertheless the question of fixing the *raiyats'* rent in perpetuity was considered". The Court of Directors wrote: "It is an object of perpetual settlement that it should secure to the great body of the *raiyats* the same equity and certainty as to the amount of their rents, and the same undisturbed enjoyment of the fruits of their industry which we mean to give to the zemindars themselves". But no provision to that effect was made in the Permanent Settlement Regulations which were enacted in 1793. The result was that the zemindars have expropriated the *raiyats* to the extent of nearly Rs. 100 crores, or more. This sort of enhancement by the zemindars was not at all justified but the *raiyats* had to yield because of the flaw in the Permanent Settlement Regulations. The Board of Director's instructions were clear but were got incorporated in the regulation. The result is that the zemindars have already expropriated the *raiyats* for these 150 years. We have now decided that for the time being we should maintain *status quo* should not allow any enhancement We are thinking of the abolition of the zemindary system altogether and when that is done the question will not arise at all. Until that is done the present rents should continue for maintaining the *status quo*. This Bill only contemplates to extend the period of that *status quo* for a year, for the present. Probably we may have to extend it for another 5 years if within the first 5 years we shall be not able to acquire, all the zemindary interests.

With these words, Sir, I oppose the motion moved by my friend Mr. G. Morgan. Perhaps he has moved this motion not knowing the history of this particular section. (Mr. G. MORGAN: Excuse me.)

**Mr. PRESIDENT:** May I take it that the Hon'ble Minister in charge does not want to reply?

**The Hon'ble Mr. FAZLUR RAHMAN:** I don't think, Sir, I need add anything to what the Hon'ble Mr. Saiyed Muazzamuddin Hosain has already said on the subject.

**Mr. PRESIDENT:** The question before the House is that in sub-clause (*1*) of clause 7 of the Bill, for the words commencing with "and all such provisions" and ending with "the twenty-seventh day of August, 1947" the following be substituted, namely:—

"Provided that for a further period of five years with effect from the twenty-seventh day of August, 1947, all such provisions relating to enhancement of rent of a *raiyat* or an under-*raiyat* shall take effect subject to the following restrictions:—

(*a*) That in the case of an enhancement on the ground that there has been a rise in the average local prices of staple food crops during the currency of the present rent, the amount of the enhancement shall not exceed twenty *per centum* of the present rent; and

(*b*) That in the case of an enhancement on the ground of a landlord's improvement the amount of the enhancement shall not exceed ten *per centum* of the amount expended on the improvement".

The question was put and lost.

**Mr. G. MORGAN:** Sir, I beg to move that in sub-clause (*1*) of clause 7 of the Bill, for the word "five" the word "two" be substituted.

In view of what the Hon'ble Minister has said already, this amendment also does not stand much chance of being accepted and I do not like to say much further than what I have said. However I have moved it.

**Mr. PRESIDENT:** Amendment moved that in sub-clause (*1*) of clause 7 of the Bill, for the word "five" the word "two" be substituted.

**The Hon'ble Mr. FAZLUR RAHMAN:** I oppose this amendment on the ground that the high prices prevalent now do not show any sign of downward trend and have not yet stablished. On the basis of that if any enhancement is——.

**Mr. C. E. CLARKE:** On a point of information, Mr. President. We cannot hear the Hon'ble Minister. He is inaudible.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, it is unfair that enhancement should take place on the basis of prices which have not yet been stabilised besides the other ground which my honourable colleague the Ministry for Education has put forward before. The reason why we should not base any enhancement on these high prices is because, according to us, it will take at least 5 years if not more to have the prices stabilised. Moreover, as has been pointed out, we have to get on with the abolition of the zemindary system, I mean the Permanent Settlement. We have a Bill ready for the purpose which will be brought soon and we hope that legislation will be proceeded with in this session and under that legislation provision has been made for fixing fair rent. To settle the lands with the zemindars on such fair rents will take us time. On the whole it will take us 5 years or more and that is the reason why we think that it will not do if we have two years instead or five years and I oppose the amendment on that ground.

**Mr. PRESIDENT:** Order, order. The question before the House is that in sub-clause (*1*) of clause 7 of the Bill, for the word "five" the word "two" be substituted.

The question was put and lost.

**Mr. PRESIDENT:** The question before the House is that clause 7 stand part of the Bill.

The question was put and agreed to.

*Clause 8.*

**Mr. PRESIDENT:** Clause 8 stand part of the Bill.

The question before the House is that clause 8 stand part of the Bill.

The question was put and agreed to.

*Clause 9.*

**Mr. PRESIDENT:** Clause 9 stand part of the Bill.

The question before the House is that clause 9 stand part of the Bill.

The question was put and agreed to.

*Title and Preamble.*

**Mr. PRESIDENT:** Title and the Preamble be added to the Bill.

The question before the House is that the Title and the Premable be added to the Bill.

The question was put and agreed to.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I beg to move that the Bengal Tenancy (Amendment) Bill, 1947, as settled in the Council, be passed.

**Mr. PRESIDENT:** Motion moved that the Bengal Tenancy (Amendment) Bill, 1947, as settled in the Council, be passed.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Sir, I have only one word to say in reply to Mr. Morgan. He has mentioned that the *raiyat* is making a profit of 400 per cent. on the sale of his goods or crops but at the same time Mr. Morgan forgets that the cost of production has also gone up by more than 600 per cent. and also the cost of living of the *raiyat* has increased by 400 per cent. The *raiyat* has to purchase his cloths at a price 400 or 500 per cent. higher than the pre-war price, he has to purchase his salt at a price 500 per cent. higher than the normal price. So it is not a fact that the *raiyat* is making all the profits and not spending on his necessaries. It is not a fact that the *raiyat* has been making a profit by getting for higher prices for his produce than he was getting some years ago.

With these words I support the motion for the passing of the Bill.

**Mr. PRESIDENT:** The question before the House is that the Bengal Tenancy (Amendment) Bill, 1947, as settled in the Council, be passed.

The question was put and agreed to.

I now adjourn the House till 2-15 p.m. on Friday, the 14th February, 1947. There is no business for tomorrow.

**Adjournment.**

The Council then adjourned till 2-15 p.m. on Friday, the 14th February, 1947.

**Members absent.**

The following members were absent from the meeting held on the 12th February, 1947:—

(1) Khan Bahadur Shaikh Fazal Ellahi.
(2) Mr. Mungturam Jaipuria.
(3) Mr. Humayun Z. A. Kabir.
(4) The Hon'ble Mr. Tarak Nath Mukherjea, M.B.E., C.I.E.
(5) Dr. Kumud Sankar Ray.
(6) Mr. Satish Chandra Sen.
(7) Mr. Md. Taufiq.

WBGP-47/8-3510A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session, 1947—No. 6.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 14th February, 1947, at 2-15 p.m. being the sixth day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTIONS AND ANSWERS

### Externment order on Mr. Nepal Chandra Bhattacharyya.

**49. Mr. HARIDAS MAJUMDAR (on behalf of Mr. Humayun Kabir):** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that Mr. Nepal Chandra Bhattacharyya, an employee of Calcutta Port Trust, was externed from Calcutta and the Industrial areas in 1940?

(*b*) Is it a fact that he was externed without showing any cause?

(*c*) Are the Government aware that he had no other means of livelihood except his post under the Port Trust?

(*d*) Have the Government sanctioned any allowance for him? If so, what is the amount, and when was it sanctioned?

(*e*) Will the Government reconsider his case and withdraw the said externment order?

**The Hon'ble Mr. MOHAMMED ALI (on behalf of the Minister in charge of the Home Department):** (*a*) and (*b*) Yes.

(*c*) No.

(*d*) An allowance of Rs.10 per month was originally sanctioned to him with effect from the 14th February, 1940. This was enhanced to Rs.15 per month with effect from the 1st April, 1942, then to Rs.20 per month with effect from the 1st September, 1943, and finally to Rs.30 per month with effect from the 1st March, 1945.

(*e*) The externment order was cancelled on the 31st January, 1946.

**Mr. BIJOY SINGH NAHAR:** May I know what was the pay of Mr. Bhattacharyya in the Port Trust Office, before he was interened?

**The Hon'ble Mr. MOHAMMED ALI:** I ask for notice.

**Mr. BIJOY SINGH NAHAR:** Does the Hon'ble Minister think that Rs. 10 was enough for him to maintain himself outside Bengal?

**The Hon'ble Mr. MOHAMMED ALI:** That as the reason why subsequently the allowance was enhanced. If you look to the answer, you will find that it was enhanced three times.

**Mr. BIJOY SINGH NAHAR:** It was enhanced, but does he think it adequate?

**The Hon'ble Mr. MOHAMMED ALI:** Sir, the position is this that Government have not adopted the policy of making good the amount which he was earning before his internment, but it was in the nature of an *ex gratia* compensatory allowance.

### The Bengal Pure Food Bill.

**50. Khan Bahadur A. M. SHAHOODUL HAQUE (on behalf of Mr. Nur Ahmed):** (*a*) Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state if it is a fact that a comprehensive new Bill under the caption of the Bengal Pure Food Bill was introduced in the Bengal Legislative Assembly and referred to a Select Committee?

(*b*) Do the Government of Bengal propose to speedily proceed with the said Pure Food Bill? If so, when?

(*c*) If not, why not?

**MINISTER in charge of the DEPARTMENT of HEALTH and LOCAL SELF-GOVERNMENT (the Hon'ble Mr. Mohammed Ali):** (*a*) Yes.

(*b*) It is proposed to introduce the Bill in this House during the current session and to carry it through all possible stages.

(*c*) Does not arise.

### Public Health Act.

**51. Khan Bahadur A. M. SHAHOODUL HAQUE (on behalf of Mr. Nur Ahmed):** (*a*) Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state if the Government of Bengal propose to enact a comprehensive Act containing all provisions regarding public health and sanitation in Bengal on the lines of Madras Public Health Act of 1939 and on the lines of the National Service Health Act of 1946 of United Kingdom?

(*b*) If so, when such a Bill will be introduced?

(*c*) If not, why not?

**The Hon'ble Mr. MOHAMMED ALI:** (*a*) and (*b*) Enactment of a comprehensive Public Health Act to make provision for matters relating to public health and sanitation in Bengal after taking into account the provisions in the Madras Public Health Act and the relevant Act of the United Kingdom is under consideration of Government. Steps will be taken for preparation of a Bill for the purpose and for its introduction in the Legislature as soon as it is decided to enact such legislation.

(*c*) Does not arise.

**Mr. BIREN ROY:** When Government proposes to enact such a legislation?

**The Hon'ble Mr. MOHAMMED ALI:** The matter is engaging the attention of Government, but so far no decision has been taken.

**Mr. BIREN ROY:** Can the Hon'ble Minister give an approximate time when this legislation will be taken up?

**The Hon'ble Mr. MOHAMMED ALI:** I am sorry, I cannot predict the time when Government will actually take up the matter. But I may assure the honourable member that they will expedite the matter.

**Mr. ABDULLA-AL-MAHMUD:** Is there any enactment under the contemplation of Government.

**The Hon'ble Mr. MOHAMMED ALI:** Yes, Sir. We have, as a matter of fact, got some draft provisions of the Bill ready, but, as I have already said, no decision has yet been taken so far as the provisions that will be embodied in the Act.

**Co-operative land colonization scheme for the ex-servicemen of Bengal.**

52. **Khan Bahadur A. M. SHAHOODUL HAQUE (on behalf of Mr. Nur Ahmed):** (*a*) Will the Hon'ble Minister in charge of the Department of Land and Land Revenue be pleased to state, if any co-operative land colonization scheme for the benefit of the ex-servicemen of Bengal has been prepared and put into action in Bengal by the Government of Bengal?

(*b*) Has the scheme for the resettlement of 10,000 ex-service personnel on 2 lakh acres of reclaimed waste land, as mentioned on page 28 of the Government of Bengal's Post-War Reconstruction Plan, published in 1945, been put into operation?

(*c*) If so, when and where?

**MINISTER in charge of the DEPARTMENT of LAND and LAND REVENUE (the Hon'ble Mr. Fazlur Rahman):** (*a*) Government have given further consideration to the matter and a revised scheme is under preparation.

(*b*) No. A Bill for the acquisition of waste lands for the purpose will be introduced in this session.

(*c*) Does not arise.

**Adjournment Motion.**

**Mr. HARIDAS MAZUMDAR:** Sir, I have got an adjournment motion.

**Mr. PRESIDENT:** Mr. Mazumdar, I have refused consent to your adjournment motion.

**Mr. HARIDAS MAZUMDAR:** Sir, may I know the reason?

**Mr. PRESIDENT:** Yes, I will state that. First of all it is a continuing grievance and the situation has not changed. You should have sent the notice of adjournment motion on the opening day of the session.

**Mr. HARIDAS MAZUMDAR:** Sir, may I be permitted to explain why I did not send the notice on the opening day. I wanted to give the Government sufficient time to bring about some sort of settlement between the workers and the Tramway Company. I wanted to give 3 weeks' time. Now, we have come to the conclusion that Government have failed to take the necessary steps to bring about settlement.

**Mr. PRESIDENT:** But today is the 24th day of the strike. You could have sent the notice earlier. However, I am not prepared to discuss the matter further.

**Mr. BIJOY SINGH NAHAR:** May we hear something from the Hon'ble Minister concerned?

**Mr. PRESIDENT:** Does the Hon'ble Minister propose to make any statement regarding this matter?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** No, Sir.

**Presentation of Select Committee Reports.**

**Mr. PRESIDENT:** Mr. Nur Ahmed, will you present your Select Committee reports?

**Mr. NUR AHMED:** Sir, I beg to present the report of the Select Committee on the Indian Lunacy (Bengal Amendment) Bill, 1947, and with your permission, I also beg to present the report of the Select Committee on the Bengal Moslem Marriage Extravagant and Superfluous Expenditure Regulation Bill, 1947.

**Mr. PRESIDENT:** I could not hear you, Mr. Nur Ahmed. Have y made the motions regarding the presentation of the reports of the Sele Committee on, (1) the Bengal Muslim Marriage Expenditure Regulati Bill, 1947, and (2) the Indian Lunacy (Bengal Amendment) Bill, 1947

**Mr. NUR AHMED:** Yes, Sir. May I have your permission also move a very formal motion for extension of time to submit the report the Select Committee on my Bill, the Eastern Bengal and Assam——

**Mr. PRESIDENT:** What are you moving, Mr. Nur Ahmed? Let u now take up Non-official Resolutions. Yes, Mr. Mahalanobish.

## Non-official Resolutions.

**Mr. NAGENDRA NATH MOHOLANABISH:** Mr. President, Sir, 13th September last, when I was moving this resolution, I was going cite certain recent instances illustrating the mischievous effect of t combination of these two functions, executive and judicial, but before proceed to do that, I would, with your leave, Sir, like to state how the functions came to be combined and what steps were taken to separate the and with what result.

As I said, the question of separation of judicial from executive fun tions of officers is as old as British rule in India. It may not be out place to have a historical retrospect of this very important questio After grant of Dewani to East India Company in 1765 A.D. administr tion of criminal justice was left in the hands of Mohammedan office appointed by the Nawab Nazim of Bengal, Bihar and Orissa.

In April, 1781, some powers with respect to administration of crimin justice regarding some heinous offences were transferred to the Judges Civil Court.

Union of the office of Judge, Magistrate and Collector was introduc for the first time in 1787, in pursuance of the instructions of the Court Directors brought out by Lord Cornwallis at the time of his appointmen

After a short experience of the functioning of this system, Lo Cornwallis was satisfied that the result of this system would be to sacrifi the administration of justice to the supposed fiscal interest of the Gover ment.

He, therefore decided to vest the duties of collection of revenue an administration of justice in separate officers. He accordingly abolishe the Mal Adalat (Revenue Court) and withdrew from Collectors of Reven all judicial powers.

In Regulation II of 1793 (passed in Lord Cornwallis' time), it w pointed out in clear and unequivocal language that the combination these two functions was extremely undesirable. So in 1793, Collecto were deprived of all judicial powers and the duties of Judge and Magistra were united in the same person. This continued till 1821.

In 1821 Regulation IV of 1821 was passed empowering the Governo General in Council to invest Collector with magisterial powers an Magistrates with the powers of Collector.

In 1831, by Regulation VII of 1831, powers were taken to invest th Zilla or City Judges with full powers to conduct the duties of Sessio Judges.

In 1837, Lord Auckland procured the sanction of the Court Directors to the separation of the two offices which were gradually effecte in the course of the next eight years.

In 1850, the offices of Collector and Magistrate were again united as temporary measure.

In the meantime in 1839, a Committee was appointed to draw up a scheme for the more efficient organisation of the Police.

That Committee pointed out in forceful language the extreme undesirability of combining the duties of Judge, Sheriff, Justice of the Peace and Constable in the same person. Such combination was characterised as absurd as well as mischievous. It was pointed out that the Magistrate ought to have no previous knowledge of a matter with which he had to deal judicially.

It was said that the union of Magistrate with Collector has been stigmatized as incompatible, but the combination of thief-catcher with judge is surely more anomalous in theory and more mischievous in practice. "So long as it lasts", it was said, "the public confidence in our criminal tribunal must always be liable to injury and the authority of justice itself must often be abused and misapplied and the power of appeal is not a sufficient remedy—the danger to justice under such circumstances, is not in a few cases nor in any proportion of cases, but in every case. After all, the Magistrate is constable, prosecutor and judge".

In 1854, Mr. C. Beadon, the Secretary to the Government of Bengal, in a letter to the Government of India pointed out the desirability of the separation of the executive from judicial function. Mr. J. P. Grant, Member of Council of the Governor-General, recorded a minute to the effect that the combination of the duties of the Superintendent of Police, Public Prosecutor and Criminal Judge was objectionable in principle and that the Government ought to dissever as soon as possible the functions of Criminal Judge from those of thief-catcher and Public Prosecutor now combined in the office of the Magistrate.

In 1856, the Court of Directors of the East India Company reiterated the same views and stated that the management of the police of each district should be taken out of the hands of the Magistrate.

In 1857, that eminent Judge Sir Barnes agreed with this view:

"In which way is crime more certainly discovered, proved and punished and innocence more certainly protected—when two men are occupied each as a thief-catcher, prosecutor and judge or when one is engaged as thief-catcher and prosecutor and the other as a judge".

He observed further:

"If the combination theory were acted upon in reality, if an officer, after bribing spies, endeavouring to corrupt accomplices, laying himself out to hear, what every tell-tale has to say, and putting his wits to the utmost stretch, for weeks, perhaps, in order to beat his adversary in the game of detection, were then to sit down gravely as a judge, and were to profess to try dispassionately upon the evidence given in court, the question of whether he or his adversary had won the game—I am well convinced that one or two cases of the sort would excite as much indignation as would save me the necessity of all argument *a priori* against the combination theory".

Sir, these are the words of one of the most experienced and responsible English officials and not of an agitator or irresponsible critic.

In 1860, a Commission was appointed to enquire into the organisation of the Police. This Commission reported that as a rule, there should be complete severance of Executive Police from Judicial authorities and the official who may be in any way connected with the prosecution of any offence or the collection of any evidence should never sit in judgment.

This recommendation was accepted by the Government of India. It was then suggested that the combination of these functions was a temporary measure.

During discussions on the Police Act, Sir Barnes Peacock, Vice-President of the Council, states that he was always of opinion that "a full and complete separation ought to be made between the two functions".

In 1867, the then officiating Secretary to the Government of Bengal, Mr. H. L. Danapier observed as follows:—

"I am convinced that the only true and lasting solution of the difficulty is a complete separation of judicial and executive duties".

Similar views were expressed by a host of other eminent officials, so long back as 1867-69, of whom the following may be mentioned:—

Hon'ble Ashley Eden, Secretary to the Government of Bengal,

Mr. (afterwards Sir and Lt.-Governor of Bengal) Rivers Thompson, C.S.,

Mr. (afterwards Sir) H. S. Maine, the then Law Member of the Government of India, and

Sir William Makkbey, a Judge of the Calcutta High Court.

The much-wished-for separation was about to be realised at the time of the enactment of the Criminal Procedure Code of 1872, but Sir Fitz James Stephen, who happened to be ruling over the legislative destinies of India at the time turned down the idea on the ground that under the circumstances of British India, the system must continue and that the maintenance of the influence and powers of District Officers is essential to the maintenance of British Rule in India and that any diminution in their influence and authority over the natives would be dearly purchased even by an improvement in the administration of justice. He talked about prestige and dignity of the District Officer which was likely to be jeopardised.

Sir Fitz James Stephen did a great disservice to his own country by thus shelving a great reform of the administration of justice and thereby engendering a growing distrast in the administration of Criminal Justice in India. The matter was taken up by the Congress and other eminent public men of the time, including Mr. Monmohan Ghosh, one of the greatest criminal lawyer of the time, and he demonstrated the evils of the system by citing concrete cases. Mr. Ramesh Chandra Dutta, I.C.S., published a scheme in 1893, showing how this could be done without much additional expenses. In a debate on the subject which took place in the House of Lords, on May 8, 1893, Lord Kemberley, the then Secretary of State for India in Council and his predecessor Lord Cross showed their approval of the principle in no ambiguous terms. It was then said that their separation would result in vast good to the country. Lord Dufferin, the Viceroy, accepted it as Counsel of Perfection. The Indian National Congress started the movement for separation and resolutions in support of it were passed in every year, since 1886-1896 during the Government to effect it without further delay. In later years also a scheme of seperation has been laid before the Congress. This movement, the then Viceroy Lord Lansdowne declared as a perfectly legitimate movement.

Ultimately in 1899, a memorial was submitted by a number of distinguished Anglo-Indian Judges and Administrators to the Secretary of State for India in Council, headed by Lord Hobhouses, Sir Richard Garth, Sir Richard Couch, Sir Charles Sargent, Sir William Markbey, Sir John Budd Phear, Sir John Scott, Sir William Welderburn. Questions were often asked in Parliament and Legislative Councils in India. Reply was vague and indefinite—vague promises of reform were held out, but the matter was not taken up seriously. In 1908, Sir Harvey Adamson, the then Home Member, in his budget speech delivered on 27th March promised to effect a separation of judicial and

Executive duties in Bengal and East Bengal and formulated a scheme for the purpose—a cautious scheme after all. He said "the inevitable result of the present system is that criminal trials affecting the general peace of the district, are not conducted in that atmosphere of cool impartiality which should pervade a court of justice. Nor does this completely define the evil, which lies not so much in what is done, as what may be suspected to be done, for it is not enough that the administration of justice should be pure, it can never be the bed rock of our rules unless it is also above suspicion".

The main objection hitherto put forward was that the District Magistrate cannot be deprived of his judicial power without loss of prestige and influence over the people. Prestige and influence cannot be acquired by under-hand and doubtful means. The prestige and influence that they suppose they possess is no real prestige or real influence, but it is what is acquired by tyrants—submission to fear. No District Officer can properly claim any respect or regard from the people but people fear him, because he has the power to do mischief.

The type of prestige and influence which they claim must disappear from the minds of our people and the sooner it does the better. In dealing with the question of prestige, Sir Harvey Adamson, the then Home Member, in his speech said—

"Can any Government be strong where administration of justice is not entirely above suspicion? The answer must be in the negative. The combinations of functions is a direct weakening of the prestige of the executive." He then said that the Government had decided to advance cautiously and tentatively towards the separation of judicial and executive functions in India. He formulated a scheme, but it never materialised.

In recent times, Lord Reading, the then Viceroy, had proclaimed that he would effect the much-needed separation of judicial from executive functions, but ultimately failed to do anything.

Numerous cases, many of them reported in Law Reports, may be cited illustrative of the baneful effect of the combination of the judicial and executive functions and perhaps most—if not all—of the honourable members have got first-hand knowledge and information about the abuse of these powers. It is unnecessary to cite a large number of cases to illustrate this and I would content myself in citing only 2 or 3 cases.

The first case is known as the Mymensingh case of 1892, where a District Magistrate was so puffed up with pride and power that he could not tolerate the position, wealth and influence of a Maharaja, a resident of the town. He tried his level best to cancel his membership of the District Board by executive methods, but failed. Later when the Maharaja was extending the compound of his palace by building compound walls, the municipal overseer thought that there was some encroachment on municipal drains. The Maharaja tried to settle amicably and offered to the municipality to make a pucca drain, but it was found that there was delay in making the drain. The District Magistrate ordered his prosecution under municipal bylaw and other sections of the Indian Penal Code and made over the case to a Magistrate under him with the necessary instruction. Counsels came from Calcutta to defend the Maharaja who tried in vain to settle the matter amicably, the District Magistrate refused to settle. Under his instructions (as the District Magistrate himself admitted—that the trying Magistrate was his "post office and conduit pipe"), the trying Magistrate was to act. He openly used to take instructions from the District Magistrate with regard to the case. And during the trial, the trying Magistrate forced the Maharaja to appear personally and in spite of request by Counsel not only was not allowed a seat by his Counsel, but forced to stand in the dock. Not being satisfied with this indignity and humiliation to the Maharaja, under orders of the Magistrate one under-trial prisoner

charged with theft was brought in the same dock by the side of the Maharaja to receive his sentence. This was done obviously with a view to further humiliate him.

As can be easily imagined the conduit pipe Magistrate convicted him of nuisance and acquitted him of the charge of encroachment and sentenced to a fine of Rs. 500 or 20 days' simple imprisonment in default.

When there was an appeal before Sessions Judge, the said Magistrate wrote a letter to the Sessions Judge in support of the conviction, but ultimately the Maharaja was acquitted.

This indignity, this humiliation, this harassment to the Maharaja could never have happened, if the District Magistrate had not used the trying Magistrate as his conduit pipe and if there was a judicial officer to try the case, who could function independently of the District Magistrate, the prosecutor.

The next case, I would cite is the case of late Sir, then Mr .Surendra Nath Banerjee, subsequently a Minister of the Government of Bengal.

The facts of this case may be recalled by many of the honourable members, who have seen the glorious days of first mass movement in this country in which Bengal took the lead. I mean the anti-partition movement. In 1906, there was arranged a Bengal Provincial Conference at Barisal on 14th and 15th April. Mr. A. Rasul, the well-known Barrister, was the President-elect. A large number of delegates including Babu Bhupendra Nath Bose, an eminent Solicitor of the Calcutta High Court, the well-known patriot, Babu Aswini Kumar Dutta, the renowned journalist and editor, "Amrita Bazar Patrika", Babu Motilal Ghosh and several other distinguished leaders attended the conference as delegates.

At Barisal, when the President-elect was being taken in procession, the police headed by the Police Superintendent started indiscriminate assault on the processionists upon which Mr. S. N. Banerjee protested and he was immediately put under arrest and produced before the District Magistrate who at the time was famous—I would say notorious—for his anti-Bengali feeling.

Babu Aswini Kumar Datta and other gentlemen also accompanied Mr. Banerjee, but they were immediately asked by the District Magistrate to get out in these words:

"Get away, you are not properly dressed and would be insulted—you have not *pugris* on"; they returned.

Mr. S. N. Banerjee was going to take a chair when the District Magistrate shouted in an insulting and offensive tone—"stand up—you are a prisoner".

Mr. S. N. Banerjee protested against the Magistrate's remark as one that ought not to have come from the Court—the Magistrate said in a loud voice "keep quiet—this is contempt of Court and I shall draw up contempt proceedings against you".

And immediately after he wrote something and told Mr. Banerjee " you are fined Rs. 200 for contempt of Court" and immediately after Mr. Banerjee was asked to show cause why he should not be bound down under section 107, Criminal Procedure Code, and at once the order was made absolute and he was asked to find surety to keep the peace—Mr. S. N. Banerjee protested that he could not do so by an executive order, but that a judicial enquiry was necessary—and nothing more was done and the matter rested there.

The conviction for contempt of Court was set aside by the High Court holding it illegal and it observed that the record was tampered with by the Magistrate by adding something later on. No Magistrate, the High

Court said, can add to or alter the proceedings or judgment after they are signed. This is another instance, how we are treated under the present system.

In connection with the said incident in which the Police assaulted several delegates, a criminal charge of assault was brought by some of the injured delegates against the Police Superintendent and others.

The Senior Deputy Magistrate received the complaint, but refused to issue process or pass any order as required by law and was led to pass on the complaint to the District Magistrate as he said he had orders to do so. In spite of strong protest by counsel on behalf of the complainants the records were sent to the said District Magistrate. The Senior Magistrate shamelessly said in open Court:

"My duty is of a clerical nature. That is what I have been ordered to do in this matter. My hands are not quite free.

Shortly after the District Magistrate's order was received "Complaints dismissed and struck off".

Needless to say that the order was set aside by the High Court and the case sent back to be dealt with according to law. The Deputy Magistrate again dismissed the case. That was in 1906, and we are now in 1947—40 years' after—the same system is still creating disgust amongst all right-thinking people, but Government is carrying on in the same way indifferent to the mischief and tyranny that is going on all round owing to the combination of these functions. The hatred and distrust that has grown against the Government is in no small measure due to this system.

It is needless to cite recent instances which are so numerous and so sickening that people have become callous about it and take it: lying down as their Kismat under this system. The case of a Superintendent of Police is still fresh in the minds of honourable members and recent instances of executive interference with the course of justice in which a Minister of Bengal Government was involved is fresh in our minds and I do not propose to detail those incidents.

These powers give opportunity to the officers to either extort bribe or subscriptions in aid of Government schemes with the connivance of high officials only to further their own official prospects.

Apart from that, the disturbance caused by multifarious works of Magistrates—during the trial of cases—cannot be conducive to a fair trial and every Magistrate thinks that the judicial part of the work is of very little importance.

Even conscientious officers, their number though is extremely limited, who would try their best to do justice, ultimately cannot keep their conscience and independence, as at every step, the Police has the right, if not in law, but in practice to ask and do ask for explanations and the Magistrates have to submit explanations for their judicial orders at the behest of the Police Prosecutors and Executive superiors.

This is a system which should never have come into existence, and if allowed to exist in the beginning of British rule must have been abolished hundred years ago. But now combination of this system has become a public scandal of the first magnitude. But our misfortune is that in spite of so-called provincial autonomy working all these years our Ministers have not yet done anything to effect this much-needed reform.

I cannot believe there is anybody in this House who would like this pernicious system to continue any longer and let us therefore demand its discontinuance by this Resolution and press upon the Government to act according to it.

As for practical scheme for effecting the separation, I may draw the attention of the House to the schemes drawn up by—

(1) The late Mr. Ramesh Chandra Dutta in 1893,

(2) Mr. C. W. Bulten in 1900,

(3) Sir Harvey Adamson in 1908,

(4) Late Mr. P. C. Mitra in 1913.

All these were very cautious and halting schemes, but Government for one reason or another did not or could not adopt them.

The matter was again brought before the old Legislative Council in 1921 by a Resolution which ran thus:

"This Council recommends to Government that early steps be taken for the total separation of the judicial from the executive functions in the administration of the Presidency".

This resolution was passed on the 5th April, 1921, and Government by Resolution No. 6257, dated the 19th August, 1921, appointed a Committee to formulate a practical working scheme for the total separation of the judicial from the executive.

The Committee consisted of the following members:—

Mr. Justice W. E. Greaves, Bar.-at-Law,

Mr. F. C. French, C.S.I., I.C.S.,

Sir Ashutosh Choudhury, KT., M.L.C.,

Dr. A. S. Suhrawardy, M.L.C.,

Raja Manmatha Nath Roy Choudhury of Santosh, M.L.C., and

Mr. G .Morgan, M.L.C.

We find that Mr. Morgan is still an active member of the House destined to listen to and take part in the discussion of the same matter after 25 years. The matter remains in the same position as he found in 1921.

That Committee gave a very detailed and valuable scheme. The cost scheme estimated by them was Rs. 4,48,650 non-recurring and Rs. 1,53,000 recurring, the principle having already been accepted by the Bengal Legislative Council long ago. Practically everything is ready and Government can adopt one of these schemes and start the separation of the judicial and executive functions without any further delay. With these remarks I commend my resolution to the acceptance of the House and hope that the House will unanimously adopt it.

**Mr. PRESIDENT:** Resolution moved that this Council is of opinion that the administration of civil and criminal justice should be carried on by judicial officers and not by executive officers and there should be a complete separation of judicial from executive functions of officers at an early date.

**Mr. G. MORGAN:** Mr. President, in view of the fact that my honourable friend has mentioned my name in connection with the Committee called the Greaves Committee, of which I was a member, I may state that we went into the subject very carefully and anybody who wants to know the details can get hold of a copy of the report and read it for himself. I have no other option, but to support the resolution before the House.

**Mr. NUR AHMED:** Sir, I rise to support the principle underlying this most important resolution. Sir, this question of separation of judicial from executive functions has been agitating the mind of Indians from the year 1893. In this agitation the Congress has taken all along a very keen part and has been pressing this most important reform in the judicial system of India. Sir, this is a question which I think should be supported by all members. It is necessary that a

Magistrate who tries a case should be immune from any outside influence and should be impartial and should not be directly or indirectly under the influence of some body who will regulate his promotion or his future prospects. I do not like to repeat the history of the question which has been so ably narrated by the mover of the resolution. I would only like to touch one or two points in the resolution. I find from the resolution tabled in this House that along with the expression criminal justice, the word "civil" also occurs, for, as regards the administration of civil justice, it is a known fact that administration of civil justice is now quite separate from the administration of criminal justice and all civil cases are tried by judicial officers. So I fail to understand as to why this word "civil" has been added to the resolution.

As regards administration of criminal justice, Bengal has taken a great step in this direction. The Government of Bengal have already appointed some Munsiff-Magistrates, who try criminal cases. Important criminal cases or sessions cases are tried by District Judges, Assistant District Judges or Subordinate Judges. But, Sir, whenever this question has been raised the question of additional expenditure has come into stand in the way of effecting this most important reform. This question can be settled in my opinion very easily, if the right method is adopted. Now, every Magistrate hears appeals from the decisions of second class and third class Magistrates; this can be easily transferred or delegated to Assistant District Judges or District Judges and, if necessary, in some cases, by Munsif-Magistrates and in that case the District Magistrate will be shown of all his duties as a Judge. In case of Subdivisional Magistrate in some cases in Bengal an experiment was made by appointment of Munsif-Magistrate as Subdivisional Magistrate, but in that case also that function has not been separated. My suggestion is that these Munsif-Magistrates may be appointed as Judge for trying criminal cases and the function which is now performed by the Subdivisional Magistrate as a Judge should be given to the Munsif-Magistrates and other Deputy Magistrates and Subdivisional Magistrates who try these cases can be placed under the control of High Court Judges and they may not be dependant and under the control of the Provincial Government. In this way without much expenditure the desired reform may be effected in Bengal. I strongly support the principle underlying this resolution. I think it is desirable that the judiciary who try cases should command respect from all and there should be no complaint in regard to any case. To make that it is necessary that the function of a Judge and of an executive officer should be separated as early as possible. When the Congress Government came into power in 1939, it was hoped that this reform would be carried out, but to our great disappointment all those who accepted this policy said that this matter should be postponed on grounds of expenditure. I now find that some of the Congress Government have already taken up this question, such as, Madras, Bihar and other provinces. I hope the Government of Bengal which has gone too far already in this matter should complete the separation of the judiciary from the executive. With these few words I give my qualified support to this resolution.

**Mr. NAGENDRA NATH MAHALANOBISH:** May I draw your attention that the Hon'ble Minister in charge of Judicial is not present in the House, when an important subject like this of his department is being discussed.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, the subject does not, strictly speaking, come under Judicial, it concerns the General Administration and comes under the Chief Minister's Department.

**Mr. ABDULLA-AL-MAHMUD:** Do you mean it comes under the Chief Minister's Department alone?

**The Hon'ble Mr. MOHAMMED ALI:** No, it is a matter concerning the General Administration. The question of civil judiciary does not actually arise. It is criminal judiciary which is to be separated and which is being pressed for.

**Mr. SULTANUDDIN AHMED:** Sir, the statement just now made by the Hon'ble Minister is not correct. The powers to try cases are granted by the Judicial Department and they are not granted by the Chief Minister's Department, so these Magistrates who try these cases are directly concerned with the Judicial Minister first and then for administrative purposes it may concern the General Administration.

**The Hon'ble Mr. MOHAMMED ALI:** Primarily it is concerned with the General Administration.

**Mr. HARIDAS MAZUMDAR:** Sir, I beg to support the resolution moved by my honourable friend, Mr. Mohalanobish, regarding the separation of the judiciary from the executive. I think in the best interests of the country this should be given effect to as early as possible otherwise the communal whims and jobbery that are going on cannot be stopped.

**The Hon'ble Mr. MOHAMMED ALI:** Mr. President, Sir, the question of the separation of the judiciary from the executive has been a very controversial subject for the last 90 years. It is really appropriate that in the present political context, this subject should come to the fore, because we are now on the threshhold of a new constitutional era and a new constitution will emerge no doubt. But we do not know what that constitution will be and we do not know also what will be the future set up of the Governmental machinery. Therefore the Government is unable to accept the resolution in full. Because the resolution wants that the separation should be given effect to at once. So far as the question of separation is concerned, Government will certainly give due consideration to the opinion expressed in this House by members when the whole question of the revision of Governmental machinery will be taken up. But honourable members of this House are aware that there is now a gradual and partial separation of the judiciary from the executive (Mr. ABDULLA-AL-MAHMUD: No, no). Sir, the District Officers have now multifarious works in connection with the development and other scheme of rehabilitation and Government are now utilising the services of Lawyer-Magistrates and Munsif-Magistrates. These Lawyer-Magistrates are recruited from the Bar and they have no connection with the General Administration of the districts. They are only concerned with the trial of criminal cases. They are at once given first class powers because of their experience in legal matters, and they are entrusted with the trial of criminal cases.

**Mr. ABDULLA-AL-MAHMUD:** That is not true.

**Mr. PRESIDENT:** Order, order. If you go on interrupting the Hon'ble Minister in this way, it is not possible for him to reply to all the points.

**Mr. ABDULLA-AL-MAHMUD:** He is not stating facts.

**Mr. PRESIDENT:** You must allow him to have his say.

**The Hon'ble Mr. MOHAMMED ALI:** The honourable member must patiently hear me first and it would be up to him to say afterwards that what I was saying was not correct. Now, Sir, I was trying to impress upon the House that these Lawyer-Magistrates are entrusted with the trying of criminal cases and they have no work regarding the general administration of the district or any other general administration work. It is true that they are under the control and discipline of the District

Magistrate who is responsible for the general administration of the district. In that view of the matter, it may be said that there is not complete separation of the judiciary from the executive, because the District Officer is responsible not only for the running of administration of the district, but also he is in charge of the Magistrate, who try cases that are brought up for trial. Nevertheless, there is partial separation in the sense that previously trying Magistrates used to do administrative work. They were then in charge of law and order and used to try cases for infringement of any section of the law. But now after the appointment of Lawyer-Magistrates there is partial separation. Also Munsifs who used to try civil cases, they have been empowered under the Criminal Law to try criminal cases and thus Munsif-Magistrates are judicial officers of Government who have nothing to do with the general administration. In that view of the matter also there is partial separation but I admit that there is not complete separation of the judiciary from the executive, as is desirable and therefore, I would like to state on behalf of the Government that this matter is engaging the attention of the Government and they will certainly give due weightage to the opinions expressed by the members of this House, but I only want to say that Government are unable to give any immediate effect to the question of separation of the judiciary and the executive in view of the fact that Government machinery at present is wholly occupied with development schemes and plans and that Government do not know what the future setup of Governmental machinery will be and Government are also not fully aware what the future constitution of this province will be. Therefore in that view of the matter this question of separation of judiciary from the executive cannot be taken up immediately. But inasmuch as Government's attention has been drawn to it, Government would like to implement the views of this House as soon as it is possible for Government to do so, but only after there is general revision in Governmental machinery and there is change in the constitution. With these words though I accept the principle enunciated in the resolution, I am afraid we cannot accept the resolution, because it states that immediate effect is to be given to this question of separation.

**Mr. HAMIDUL HUQ CHOWDHURY:** The Hon'ble Minister wanted to say that there was a virtual separation of the two already (the Hon'ble Mr. MOHAMMED ALI: I did not say so). At least he said that there was some kind of separation already. I am not committing myself to either view; my views are quite different and I am not prepared to give my views on the subject. I have got up only on a point of explanation. There is no separation of the judiciary from the executive at the present moment; it is a fact, because the question of who controls the district crops up here; certainly the District Magistrate, who is the administrative head of the district controls everyone woh does criminal work whether he is a Munsiff or he is a Lawyer-Magistrate—what is the source of recruitment is immaterial to the subject at issue—and he is under the control of the administrative head and the latter has the power to retain him or to report against the former that he should not continue. The subject is a complicated one and I would request that the Hon'ble Minister and the Cabinet should give deep consideration to this thing. It is a very important question, but it cannot be given effect to immediately without ascertaining the opinion of the country, not the opinion of this House alone, and the many points involved in it.

**Mr. PRESIDENT:** Mr. Mahalanobish, you have the right of reply. (Mr. Lalit Chandra Das rose to speak.) Why should you speak now, Mr. Das? You did not get up at the proper time when this important matter was being discussed. There was ample opportunity for you to get up and if you had drawn my attention, I would have allowed you to speak.

**Mr. LALIT CHANDRA DAS:** It is only to meet some of the points that I have got up, Sir.

**Mr. PRESIDENT:** Now is not the time, Mr. Das. Yes, Mr. Mahalanobish.

**Mr. NAGENDRA NATH MAHALANOBISH:** Sir, the Hon'ble Minister wanted to postpone this matter till he sees what the new constitution is like. Now, I for a moment cannot at all understand what this question has to do with the new constitution. That constitution may come in two years or five years or ten years later or may not come at all. That has got nothing to do with an urgent reform in this branch, for which I am now contending. As we all know there is a great deal of difficulty that we are experiencing in the matter of the Constituent Assembly and to have the Constitution through the Constituent Assembly or through the Brtish Parliament and then to have a Constitution of this particular province and then to consider whether there should be a separation of judicial and executive functions will take a very very long time and one does not know whether the particular Government then on the saddle will be reasonable enough to have a separation of the executive from the judiciary for which we are now moving this resolution. I submit that it is an extremely lame excuse which the Hon'ble Minister has put forward as a ground for delaying this matter. Now, the Hon'ble Minister has said that the Government are occupied with so much and so many important matters that they cannot look into the matter so early and takes exception to the resolution, because it says that "early" steps be taken. I have perhaps shown that this matter has been agitating the minds of the people of this province as well as the mind of Government for over a century and that after all sorts of discussion and all sorts of consideration of the points of view of the Government, of the people of the province and that of the Judges and Magistrates, ultimately in 1921, the Bengal Legislative Council had decided to accept the principle and the only thing they wanted to have was a proper workable scheme. That scheme was made and it was reported to the Government—that must be in the archives of Government, no doubt,—and there is very little to be considered anew. If there is any point of view which the Hon'ble Minister wants to place before the House for which all these considerations which were given by successive Governments to this question have been set at naught or is going to be revised now, the Hon'ble Minister is perfectly welcome to say before this House as to what are the present circumstances which debar the Government from accepting the principle that was acceptable to the Government of Bengal in 1921. Then, Sir, the Hon'ble Minister was trying to give some consolation to us by saying that "we have already given effect to some partial separation". (Mr. ABDULLA-AL-MAHMUD: We do not admit this.) Certainly, we do not admit this nor should any one do so. What has been done is not fit to be called separation of the two functions. Sir, who are the Lawyer-Magistrates? I know many of them; they are worse than your Magistrates, because you have got them as temporary Magistrates and they do not know when they will be called off. The District Magistrate will just write a confidential against them and say "these officers are no good, his acquittals are more than they ought to be". The District Magistrate does not care to know the law or judge any case on its merits; he only goes by the percentage of acquittal or conviction and whenever any poor Magistrate has a goodly number of cases of acquittal, then woe to him and a confidential letter is issued against him by the District Magistrate. Therefore, either you should appoint these Lawyer-Magistrates permanently or should sack them because it is all the more pernicious to have such officers in the judicial service who are anxious to have their own skin saved. (The Hon'ble Mr. MOHAMMED ALI: Sir, it is doing great injustice to a gallant band of

officers.) Well, Sir, the Hon'ble Minister has never attended a law court and if he had, he would not have felt like that. I belong to the legal profession, Sir, and have great respect for the Lawyers, but still I am constrained to say that that is the position in the mofussil, and having regard to this practice, I think I am justified in making these remarks. So far as the Munsiff-Magistrates are concerned they are always entirely under the control of the District Magistrate and District Magistrates' whims are sometimes reflected in the judgments and orders of these Magistrates. (Mr. HAMIDUL HUQ CHOWDHURY: Only in criminal cases and not in civil.) Yes, Munsiff-Magistrates, when they sit as Magistrates they are called Magistrates, but when they are taken off from criminal work they are regarded as civil. They should not be taken away in this way from criminal work. I want to say to the House that there is, therefore, no partial separation. It was not. Take it in that light and frankly admit it. But to say that we have got partial separation in the way in which you say, is, I say, regrettable.

Then, I submit, Sir, the Hon'ble Minister said that this was engaging the attention of the Government. I submit that Government have so many things under consideration, as the Hon'ble Minister himself has already said, that the expression "engaging the attention of Government" has almost become meaningless and we do not take it as of any serious import. It simply means shelving the matter and nothing more. It is only those who have come in contact with administration of justice can feel what a scandal, it is to have in the twentieth century judicial and executive functioning together. Everybody connected with law and justice knows that now a days legislation is left to the executive. You just enact a law with a few sections and leave everything to be decided by rules and rules are framed by executives and the Magistrate and his subordinates are to carry them out. This is simply arbitrary. In many civilised countries the method of ruling by rules is being abandoned and it is a very pernicious system. But we find here in Bengal that we are not only having no separation of the executive and the judiciary, but we are having day by day every law administered by the executives and judicial functions are more and more being entrusted to Magistrates and executive officers under the rule-making powers of Government. Therefore the position has become extremely undesirable and it is high time that the Government should without delay undertake the separation of these two functions. I submit that the cost is not much as the Greaves Committee has shown and everything else is practically ready. Therefore the question of delaying this matter any further should not be accepted by this House.

**Mr. PRESIDENT:** The question before the House is that this Council is of opinion that the administration of civil and criminal justice should be carried on by judicial officers and not by executive officers and there should be a complete separation of judicial from executive functions of officers at an early date.

The motion was put and a division claimed.

(When the Division Bell ceased ringing.)

**Mr. BIREN ROY:** Sir, how can the Hon'ble Minister shout "No" when he is not a member of this House?

**Mr. PRESIDENT:** He can shout but he cannot go into the Division Lobby.

A division was taken with the following result:—

**AYES—15.**

| | |
|---|---|
| Mr. C. E. Clarke. | Mr. G. J. Keeman Heck. |
| Mr. Lalit Chandra Das. | Rai Bahadur Brojendra Mohan Maitra. |
| Mr. Hemendra Kumar Das. | Mr. Haridas Majumdar. |

Mr. Bijoy Singh Nahar.
Mr. Biren Roy.
Mr. Patiram Roy.
Mr. Nagendra Nath Mohalanabish.
Mr. George Morgan, C.I.E.
Mr. Birendra Kishore Roy Chowdhury.
Mr. Charu Chandra Sanyal.
Mr. Satish Chandra Sen.
Mr. Satish Chandra Jana.

NOES—23.

Mr. Abdulla-al-Mahmud.
Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dhirendra Lal Barua.
Khan Bahadur Syed Abdur Rasid Choudhury.
Mr. Moazzem Hossain Choudhury.
Mr. Hamidul Huq Chowdhury.
Mr. Abdul Hamid Chowdhury.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. D. J. Cohen, O.B.E.
Mrs. Labanyaprobha Dutta.
Mr. G. M. Shahoodul Haque.
The Hon'ble Mr. Saiyed Muazzamuddin Hosain.
Mr. Latafat Hossain.
Alhadj Yar Ali Khan.
Mr. Mobarak Ali Khan.
Mr. Abdul Latiff.
Mr. Syed Abdul Majid.
Khan Bahadur Ghyasuddin Pathan.
Khan Bahadur Mukhlesur Rahman.
Mr. Abdul Rashid.
Dr. Kasiruddin Talukdar.

Ayes being 15 and Noes 23 the motion was lost.

**Mr. LALIT CHANDRA DAS:** Sir, I beg to move that this Council is of opinion that the Government of Bengal should take immediate steps to amend the Bengal Local Self-Government Act of 1885, and the Bengal Village Self-Government Act of 1919, so as to enable women to be voters and members of the institutions set up by these Acts, and recommends for the purpose that all women of the age of 21 years or more who are literate or whose husbands or fathers or guardians, as the case may be, are qualified by these Acts to be voters or members, will be entitled to be voters or members thereof.

Sir, half the population of Bengal is formed by women folk. So far as women are concerned, we know that a very liberal view was taken by Parliament and under the Government of India Act, 1935, they have been enfranchised. They can really vote now and their representatives as a matter of fact are now sitting in the Bengal Legislative Assembly. Now, Sir, they were considered fit to be voters to send up representatives even to the highest Council that we have got in our province and yet it is strange enough, I should say, that they have not been considered fit to vote for persons who are to go to union boards or to union committees, to the local boards or to the district boards. It will be necessary for me to point out from the relevant sections of the Local Self-Governing Acts how they have been debarred. For this purpose, I would draw your attention, Sir, and through you of honourable members of this House to section 7 of the Bengal Village Self-Government Act, 1919. Therein it is stated that every male person of the full age of 21 years and having a place of residence within the union, who during the year preceding the election has paid a sum of not less than eight annas as cess under the Cess Act, 1880, in respect of lands situated wholly or in part in such union or during the year immediately preceding such election has been assessed at and paid a sum of not less than six annas for the purpose of union rate payable under the Act, or in the case of a first election under this Act, as chaukidari tax, shall be entitled to vote.

Now, Sir, this is the qualification of a voter for members of union boards. All that is wanted now is to drop the word "male", appearing after the word "may" and just before the word "person" and then everything becomes all right. If this section is amended by the removal of the word "male" this section would read as follows—Every person of the full age of 21 years, and having a place of residence, and so on and so forth. Then every male becomes a voter. With regard to the female my resolution demands that not only does she need to be 21 years of age, but what is more important, she must be literate or her husband or father or guardian, as the case may be, is qualified by these

Acts to be voters or members, will be entitled to be voters or members thereof. These are also the qualifications required of women to become voters under the Government of India Act, 1935. This is one section, Sir. Then there is another section which requires to be amended in this connection and that is section 9 of the Bengal Local Self-Government Act, 1885, the proviso portion of it. In that proviso the description of the qualifications of the voters for members to the local boards has been laid down as follows—"provided that every male person of the full age of twenty-one years, resident within the area under the authority of a local board, who is qualified in one of the manners following, that is to say, is a member of a union committee within such area, has during the year immediately preceding such election paid a sum of not less than one rupee on account of road cess in respect of lands situated either wholly or in part within such area, or been possessed of a clear annual income from any source of not less than two hundred and forty rupees" will be eligible to be voters. In this proviso the only change that will be necessary will be the removal of the word "male" appearing after the word "every" and the female becomes a voter. It will be necessary to have a short change in section 13 of the Bengal Local Self-Government Act, in the proviso. In that proviso the wording is exactly the same—"every male person" and so on and so forth. Here also, if the word "male" is dropped after the word "every" then a woman becomes a voter. So far as the Bengal Local Self-Government Act of 1885, is concerned, it has been amended several times and later there has been an amendment also and that section is required to be amended. Here also the word "male" is to go. These are all the alterations required in these two Acts for the purpose of enfranchising women and thus enabling them to be voters. I do not understand why this bare justice to our women folk should not be done, when once their right has been recognised even in respect of the Legislature in our country and they ought and should be allowed to vote for candidates for the local and district boards and union boards. There has been great awakening amongst the women folk of our country and there will be no dearth of properly qualified candidates. As a matter of fact some of the women of our country have gone far ahead of the men. Take for instance Mrs. Bijoy Laxmi Pundit and Begum Shah Nawaz. Mrs. Bijoy Laxmi Pundit was sent to U.N.O. as representative of India and it was known to every one how splendidly she has performed her task to the glory of India. Take for instance the case of Begum Shaw Nawaz, another Indian woman, who toured America on behalf of the Muslim League. And then the schools and colleges both in the towns as well as in the mofussil are full of educated women and when the Universities are awarding degrees, we find that the women are competing with the males most successfully. So, I cannot for a moment think why their claims to be enfranchised can be disregarded by us. I have no doubt that taking a long view of the situation, a proper and reasonable view of the case of the women Government of the land will accede to them this right, this claim, this franchise.

With these words, Sir, I move my resolution.

**Mr. PRESIDENT:** Resolution moved that this Council is of opinion that the Government of Bengal should take immediate steps to amend the Bengal Local Self-Government Act of 1885, and the Bengal Village Self-Government Act of 1919, so as to enable women to be voters and members of the institutions set up by these Acts, and recommends for the purpose that all women of the age of 21 years or more, who are literate or whose husbands or fathers or guardians, as the case may be, are qualified by these Acts to be voters or members, will be entitled to be voters or members thereof.

**Mr. C. MORGAN:** On a point of information, Sir. With regard to the wording of the resolution "recommends for the purpose that all women of the age of 21 years or more who are literate or whose husbands or fathers or guardians, as the case may be, are qualified by these Acts to be voters or members". Now, will an illiterate woman be a voter if this resolution is accepted?

**Mr. PRESIDENT:** Will the honourable member please explain what he means by those words in the resolution?

**Mr. LALIT CHANDRA DAS:** Sir, so far as it obtains in the exercise of votes by ladies in case of candidates standing for the Legislatures, the women who are illiterate also have been allowed to vote on the qualification of their husbands. So I have worded the resolution like that. But I may say that the women will not be generally illiterate.

**Mr. BIREN ROY:** Sir, I rise in support of the motion——

**Mr. PRESIDENT:** Mr. Das, there is one word which I could not understand. You have proposed the minimum age to be 21 years, but you have also used the word guardians. But they will be all majors.

**Mr. LALIT CHANDRA DAS:** Sir, it is exactly not a legal expression but only ladies of the age of 21 years living in a family.

**Mr. PRESIDENT:** I cannot follow you.

**Mr. LALIT CHANDRA DAS:** Even if a lady is of 21 years of age still she has to live under some guardian to look after her.

**Mr. PRESIDENT:** Oh, you mean to say that they are perpetual minors!

**Mr. BIREN ROY:** I rise to support this resolution of any friend, Mr Lalit Chandra Das. Although I realize that it is a very unreal atmosphere after having witnessed the voting on the resolution just preceding, I, think, Sir, neither our Hon'ble Minister in charge of Local Self-Government nor any member of this House would be unchivalrous enough to refuse this little franchise in these days when we are shouting for adult franchise in every sphere. The Congress as well as the Muslim League are in favour of adult franchise and although Mr. Das has hardly qualified the voting by adding guardians even for women of more than 21 years of age, the explanation would be, Sir, this in this particular case: In our country, the women are not economically independent and therefore provision has been made in the Government of India Act and in other Election Manuals that women whose husbands are qualified to vote may vote even though they are not qualified otherwise, that means by literacy or by means of assessment of their house and so on. In this case there may be some women whose husbands are dead and who cannot come in in any other way, but as members of the family—these perpetual minors as you have put in properly—and therefore when the house is assessed and a lady is living in that house without having any share in that particular house, she being over 21 years of age, she should be considered as under the guardianship of the gentleman or the lady who owns the house. In this particular case she will come in as a voter, but the best thing would be, Sir, to introduce adult franchise both for male and female over 21 years of age and we would have the restrictions as has already been envisaged by Mahatma Gandhi that those who are over 50 years of age may not be entitled to be voters in all cases and many of our old men and women will be then out of this unreal atmosphere and we young people can fight out our own case here. There are other aspects of the thing, Sir. We have found also that in cases where women, when they have been given franchise, they use it with much better common-sense than perhaps we male folk would do and that is a fact. The fact being that in many cases, the male

folk are guided by other considerations than by considerations of principle and here in this House we saw that in the voting on the preceding resolution and if women members in this House could also have been elected by their own franchise—not by nomination—they would have acted otherwise than what they have done in the resolution on the separation of judiciary from the executive. I feel sympathy for all women over 21 years of age and await the day when they will be voters and take part in the administration of not only this province, but of the local councils and the district boards and the local boards in this province and I think our Hon'ble Minister will accede to this resolution and take necessary steps to make the necessary amendments to the Acts suggested by the mover, if it is possible, even during the current session of the Council and the Assembly.

**Mr. CHARU CHANDRA SANYAL:** I rise to support the resolution moved by my friend, Mr. Das. Days have come when women are coming forward to work side by side with men. They are getting similar education as men; they are trained in the same lines as men and it is quite natural that they should claim the same privileges as men have in the administration of the land. The women of England had to fight for the franchise. In Bengal let us not face the same ugly fight. Let the franchise be extended to them without any fight. Some may say that men are now afraid of women. The point is controversial indeed. But it is high time that intelligent and able women should be allowed to take part in national work and administration. Women are best suited for administration of the departments of primary education, child welfare and maternity, etc. The Governments of Europe and the United States of America have allowed women inside the administrative machinery and probably they have nothing to repent for their action. So, instead of creating class antagonism, let us develop class compromise. With these words I commend the resolution to the acceptance of the House.

**Mr. HAMIDUL HUQ CHOWDHURY:** Sir, I have my full sympathy with the main purpose of the resolution, but I am afraid Mr. Das wants to make mischief in the sense that he wants to bring friction and disputes into the household. I am afraid, I cannot support the resolution inasmuch as experience shows that women rarely vote for women. In voting, if it is limited to men folk, women have got a chance to do some work on representative organisations, but it is the experience of many countries that women voters or bulk of them do rarely return women. Therefore, if for nothing else, I would rather have the chance given to women to be members of local bodies and the only way to have that is to limit the vote to men folk. From a practical point of view, I am afraid that in rural parts of the country extension of the franchise to women as is the experience in the elections to the provincial legislature, Sir, absolutely becomes a mere theoretical provision. For very few women except in towns have taken advantage of this enlargement of franchise. Therefore, I say, let consciousness grow amongst women—not to the extent that we have heard amongst the suffragist women in England, when women have fought tooth and nail for getting their rights and have fought for representation in Parliament—not to that extent, but let them demand this franchise for themselves, but let us not as a mark of chivalry concede that right to them. Therefore, till that time comes let us defer this resolution.

**The Hon'ble Mr. MOHAMMED ALI:** Mr. President, Sir, at the risk of being dubbed unchivalrous and at the risk of incurring the displeasure of Miss Robertson and Mrs. Dutt, I have to oppose the resolution. The resolution is not as simple as it looks. It proposes a change of a far-reaching character and of a revolutionary type, and I shall explain why. Elsewhere and in another place I explained to some members of the legislature Government's point of view regarding the extension of

franchise to women. Government contemplate bringing in a comprehensive amendment of the Local Self-Government Act, 1885, and it is proposed to extend the franchise to women so far as district boards are concerned. I have explained the reason why it is not possible for Government to extend the franchise to women in the matter of election to the union boards. Members of the House are aware that the cost of elections to local boards are borne by the local bodies. The funds of union boards are very limited and it is not possible for union boards to arrange for the erection of separate booths for different classes of voters. Therefore it would create a lot of difficulty, if franchise is extended to women in union boards. Women enjoy the franchise in the matter of elections to the municipalities and the provincial legislatures and it is our experience that response from women voters is not very great (Mr. LALIT CHANDRA DAS: Questions!) and that is why it is proposed to extend the franchise only gradually. Now, as I stated earlier, this resolution contemplates a change of a far-reaching character and the reason is this: if the resolution is accepted then for every male voter there will be 3 or 4 female voters and the result will be that the number of female voters will be more than male by 3 or 4 hundred per cent. The point is it will give adult franchise to female whereas that is not extended to male because the resolution states that all women of the age of 21 years or more, who are literate, etc., will be entitled to be voters. The net result of this will be that for every male voter there will be 4 or 5 female voters, because a male who is eligible for vote on account of property may have several females. Now, as Mr. Biren Roy had said, they may be living with their brother, uncle or other guardians, who happen to be their guardians and they will be entitled to vote, but this concession is not extended to male. Now, for every property which belongs to male there is one vote. On the other hand, if you accept the resolution, there will be 4 or 5 female voters for every property. So this resolution contemplates a change which is of a revolutionary character and by which male folk will have to abdicate and the selection of nominees in the local and union boards and other local bodies will fall in the hands of females. But our country unfortunately has not progressed, so far as to permit our women folk to be voters of these local bodies and allow the males to abdicate their right to do so. The principle should be accepted as we have now such women folk as Mrs. Bijoy Laxmi and Begum Shaw Nawaz, as stated by my friend Mr. Lalit Chandra Das. But some time should elapse before such rights are given and it should be given gradually. So Government do not propose any radical change just at the present juncture. In these circumstances, I cannot accept the principle enunciated in the resolution. But I can assure the House that franchise will be allowed in the matter of district board and when we will bring in a comprehensive Amending Bill in the next monsoon session of the Legislature these things will be considered. It is not possible to have this Amending Bill in the present session as wanted by my friends opposite. I therefore oppose this resolution.

**Mr. LALIT CHANDRA DAS:** Sir, I want to say a few words in reply. The Hon'ble Minister is labouring under a great mistake. He seems to think that the woman voter will get advantage over the male voter, if my resolution is accepted. He does not know the present state of affairs. He ought to know, if he does not know, that in joint family there is a minimum rate that requires to be paid for the purpose of making one a voter and that in a joint family every adult becomes a voter even according to present law of joint family system. Therefore his complaint that the women voters will be larger in number than males has no legs to stand upon. As a matter of fact, he should not have made a complaint like this. He should not be sorry, if women get advantage over male and come in larger numbers. Why don't you make adult

franchise for all males as well as females? Well, voters in democracy—the more—the married. As a matter of fact that would be a great improvement upon the present state of things. So far as the present law under the Government of India Act, 1935, stands, if views of the Hon'ble Minister is accepted these ladies cannot be voters. Fortunately enough the power lay elsewhere and those authorities took a different view and the ladies have been enfranchised. If the matter rested with the Hon'ble Minister, from what I heard of his views, the ladies could not be members of the legislatures. It is surprising to know that the ladies could be voters in the legislatures, but they are incompetent to vote for the district boards, local boards or union boards or for the village committees. Sir, I expected to hear the opinion of Mrs. Dutta and Miss Robertson on this resolution as to how far this touches the interests of and the rights of women and how they feel over the question. But they have not spoken. Anyway, it is better late than never. Let us see how they cast their votes. I find no point in his criticism regarding what I have stated that ladies whose husbands or fathers or guardians are voters should be qualified to vote. This will be acceptable to all, particularly in the case of Muhammadans, who can marry up to 4 wives. Mr. Hamidul Huq Chowdhury has said that the ladies will have a tendency not to vote for a woman. I think that is not at all relevant, and that is not at a point, why he should go against the resolution.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, there is no gain saying the fact that the desideratum to be attained is the extension of adult franchise. But I was speaking so far as this present resolution is concerned. This resolution simply extends practically adult franchise to all women whereas the same concession is not given to the men. Mr. Das says that all the women of the age of 21 years should be enfranchised. Suppose a gentleman has four daughters of the age of 21 years and above and the gentleman is enrolled as a voter and they will all be entitled to be enrolled as voters, whereas the same concession cannot be given to all the sons. Similarly if a brother has many sisters, all the sisters will be eligible to be enrolled as voters whereas the other brothers will not be so. Similarly, if a husband has more than one wife, then all the wives would be entitled to be voters, whereas husband cannot have more than one vote. And then, Sir, in the question of local boards there is joint electorate and the Muslims will have a disadvantage, because as the mover has said a Muslim may have four wives so when the contest is going on they will be able to produce up to a maximum of four wives only, whereas a Hindu gentleman will have the scope of an unlimited number of wives as voters, because there is no restriction on their number of wives. Therefore it is a serious problem and therefore I am afraid that my contention that the number of female voters will be far in excess of male voters has many legs to stand upon.

**Mr. PRESIDENT:** Order, order. The question before the House is that this Council is of opinion that the Government of Bengal should take immediate steps to amend the Bengal Local Self-Government Act of 1885, and the Bengal Village Self-Government Act of 1919, so as to enable women to be voters and members of the institutions set up by these Acts, and recommends for the purpose that all women of the age of 21 years or more, who are literate or whose husbands or fathers or guardians, as the case may be, are qualified by these Acts to be voters or members, will be entitled to be voters or members thereof.

The question was put and a division taken with the following result:—

**AYES—12.**

| | |
|---|---|
| Mr. Lalit Chandra Das. | Mr. Satish Chandra Jana. |
| Mr. Hemendra Kumar Das. | Rai Bahadur Brojendra Mohan Maitra. |
| Mrs. Labanyaprobha Dutta. | Mr. Haridas Majumder. |

Mr. Nagendra Nath Mohalanabish.
Mr. Bijoy Singh Nahar.
Mr. Biren Roy.
Mr. Patiram Roy.
Mr. Birendra Kishore Roy Chowdhury.
Mr. Charu Chandra Sanyal.

NOES—26.

Mr. Abdulla-al-Mahmud.
Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Mr. Syed Badrudduja.
Rai Bahadur Dhirendra Lal Barua.
Khan Bahadur Syed Abdur Rasid Choudhury.
Mr. Hamidul Huq Chowdhury.
Mr. Abdul Hamid Chowdhury.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. C. E. Clarke.
Mr. D. G. Cohen, O.B.E.
Mr. A. M. Shahoodul Haque.
The Hon'ble Mr. Saiyid Muazzamuddin Hosain.
Mr. Latafat Hossain.
Alhadj Yar Ali Khan.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latiff.
Mr. Syed Abdul Majid.
Mr. George Morgan, C.I.E.
Khan Bahadur Ghyasuddin Pathan.
Khan Bahadur Mukhlesur Rahman.
Mr. Abdul Rashid.
Dr. Kasiruddin Talukdar.
Khan Sahib Mouivi Wahiduzzaman Haji Haji Md. Yusuf.

Ayes being 12 and Noes 26, the resolution was lost.

**Mr. PRESIDENT:** The Council stands adjourned till 2-15 p.m. on Monday, the 17th February, 1947.

## Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 17th February, 1947.

## Members absent.

The following members were absent from the meeting held on the 14th February, 1947:—

(1) Mr. Reajuddin Bhuiya.
(2) Mr. L. P. S. Bowner.
(3) Mr. Kamini Kumar Dutta.
(4) Khan Bahadur Sheikh Fazal Ellahi.
(5) Mr. Mungturam Jaipuria.
(6) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(7) Mr. Humayun Z. A. Kabir.
(8) The Hon'ble Mr. Tarak Nath Mukerjea, M.B.E., C.I.E.
(9) Mr. T. B. Nimmo.
(10) Dr. Kumud Sankar Ray.
(11) Mr. Md. Taufiq.

WBGP-47/8-3513A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session, 1947—No. 7.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 17th February, 1947, at 2-15 p.m. being the seventh day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTIONS AND ANSWERS

### Introduction of free and compulsory Primary Education.

53. **Mr. NUR AHMED:** Will the Hon'ble Minister-in-charge of the Education Department be pleased to state—

(a) if any scheme for introduction of universal free and compulsory primary education has been drawn up by the Government of Bengal as a post-war education development scheme for the whole of Bengal;

(b) if not, why not; and

(c) if so, when it is expected to be put into operation?

**MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Saiyed Muazzamuddin Hosain):** Sir, there has been slight error in the typed answers and I want to correct them.

**Mr. PRESIDENT:** Yes.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** (a) Yes, in certain parts of Bengal and not in whole of Bengal.

(b) On account of financial stringency it has not been possible to prepare a scheme for the whole of Bengal.

(c) The scheme is under consideration and is expected to be implemented during 1947-48.

**Mr. BIREN ROY:** With reference to answer (a)—certain parts of Bengal,—may I know which parts of Bengal?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** That has not yet been decided. I think it will comprise one-fourth of Bengal.

**Mr. BIREN ROY:** May I know which one-fourth part?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Selection of districts has not yet been done. Everything has been done except selection of districts.

**Mr. LALIT CHANDRA DAS:** Only on paper.

**Mr. NUR AHMED:** With reference to answer (c) in what districts it has been selected?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** That has not yet been finally decided.

**Khan Bahadur CHYAHSUDDIN PATHAN:** What has then been the decision?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** The decision has been that compulsory primary education will be given effect to in one-fourth of Bengal.

**Mr. HAMIDUL HUQ CHOWDHURY:** Will the Hon'ble Minister be pleased to state what is the principle to guide the Ministry in selecting the districts?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Our idea is that the districts which have first imposed education tax will be given first preference. But nothing has been finally decided and I cannot give you the final decision.

**Mr. HAMIDUL HUQ CHOWDHURY:** Will the Hon'ble Minister be pleased to state if he will follow the procedure of lottery in the selection of the districts?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Certainly not.

**Khan Bahadur CHYASHUDDIN PATHAN:** Will the Hon'ble Minister be pleased to state whether the idea is to start the scheme where the districts offer voluntary education tax and who are ready to take this scheme up?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Those who had taxed themselves at the very beginning on the starting of the free primary education system will be given preference; but as I have said, nothing has been finally settled.

**Khan Bahadur HYASHUDDIN PATHAN:** Will the Hon'ble Minister be pleased to state how many districts have taxed themselves?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** All the districts except Midnapore.

**Mr. HAMIDUL HUQ CHOWDHURY:** Then all the 24 districts will get the advantage of the free and compulsory primary education first?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** No, according to priority, namely, the districts who taxed first will get the advantage first.

**Mr. HARIDAS MAZUMDAR:** Will the Hon'ble Minister please give an outline of the scheme which is under consideration and which is going to be implemented in 1947-48?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Compulsory and free primary education will be introduced as has been shown in the Free Primary Education Act.

**Mr. SULTANUDDIN AHMED:** Has any provision been made in the Budget?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** I am not sure. But provision may be made in the Supplementary Budget as soon as it is introduced.

**Posting of a Sub-Judge at Darjeeling and a Munsif at Kalimpong.**

*54. **Mr. LALIT CHANDRA DAS (on behalf of Mr. Nagendra Nath Mahalanobish):** (a) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state if the Government have decided to post—

(i) Subordinate Judge at Darjeeling (in place of the Munsif) with powers of a Subordinate Judge, and

(ii) a Munsif to try civil cases at Kalimpong?

(*b*) If so, has any such officer been posted? If not, do the Government propose to post a Subordinate Judge and Munsif at an early date?

(*c*) Have the Government decided to post a Subordinate Judge for the district of Jalpaiguri alone, as proposed by the then Judicial Minister in reply to a similar question in this Council during the first session of 1946-47?

(*d*) Do the Government propose to appoint Munsif at Alipur Duar to try civil cases there?

**MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Mr. Nagendra Narayan Roy):** (*a*)(*i*) Government have accepted the principle and arrangements are being made to post a regular Subordinate Judge at Darjeeling as early as possible and necessary orders will issue as soon as the same are completed.

(*ii*) Government have also decided to post an itinerant Munsif to try civil cases of Kurseong, Kalimpong and Siliguri.

(*b*) Not yet posted. The scheme could not yet be translated into action as the difficulties regarding the accommodation of the Civil Court and the Munsif at three outlying subdivisions have to be overcome and correspondence towards such arrangement is in progress. The Government will post a Subordinate Judge at Darjeeling and an itinerant Munsif for three outlying subdivisions of Darjeeling district as early as the arrangements are completed.

(*c*) The matter is still under consideration.

(*d*) Yes, owing to the shortage in the cadre of Munsif this could not be done as yet. As soon as possible a Munsif may be posted to Alipore Duars who will also dispose of criminal cases during his spare time.

**Mr. SULTANUDDIN AHMED:** With reference to answer (*d*), will this work be his normal work or the Munsif will do such work as he may do during the time he can choose to spare?

**The Hon'ble Mr. NAGENDRA NARAYAN ROY:** I have nothing to add to the answer already given.

**Mr. SULTANUDDIN AHMED:** It is not clear to me. The answer says "will dispose of criminal cases during his spare time". This may mean that time will be set apart for doing criminal work during the week—which may be a normal part of his duty—or he may be asked to do such work during such time as he can spare after doing his ordinary duties as a Munsif. What is contemplated by Government?

**The Hon'ble Mr. NAGENDRA NARAYAN ROY:** That will be taken into consideration as the exigency arises.

**Mr. HARIDAS MAZUMDAR:** Arising out of (*b*) "Not yet posted. The scheme could not yet be translated into action as the difficulties regarding the accommodation", etc., will the Hon'ble Minister be pleased to let us know when he will overcome these difficulties?

**The Hon'ble Mr. NAGENDRA NARAYAN ROY:** Correspondence is going on on this point and——

**Mr. HARIDAS MAZUMDAR:** When do you expect to overcome these difficulties? Approximate time?

(No Answer.)

**Mr. PRESIDENT:** Questions over. The Bengal Maternity Benefit (Tea Estates) Bill, 1946 (introduction, consideration and passing). The Hon'ble Minister.

**The Hon'ble Mr. SHAMSUDDIN AHMED:** I shall not move for th introduction of the Bill today as certain provisions of the Bill are still unde consideration and we have not yet come to a decision.

**Mr. PRESIDENT:** Not moved?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Yes.

### The Calcutta Rent Bill, 1946.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I beg to move that th Calcutta Rent Bill, 1946, as reported by the Select Committee be taken int consideration.

**Mr. PRESIDENT:** Motion moved that the Calcutta Rent Bill, 1946 as reported by the Select Committee, be taken into consideration.

The question before the House is that the Calcutta Rent Bill, 1946, a reported by the Select Committee be taken into consideration.

The question was put and agreed to.

**Mr. PRESIDENT:** As regards taking up of the clauses of the Bill I am afraid there are certain amendments which require previous sanction So the consideration of the detailed clauses of the Bill must wait.

**Mr. HAMIDUL HUQ CHOWDHURY:** I have seen some of the amendments. They are very badly typed and badly arranged. As they are, they would create confusion. So, Sir, some time may be given to us so that in the meantime necessary action night be taken and the amendments properly arranged?

**Mr. ABDUL RASHID:** We may go up to clause 4.

**Mr. HAMIDUL HUQ CHOWDHURY:** What is the object of going up to clause 4? We beter wait for a day.

**The Hon'ble Mr. FAZLUR RAHMAN:** May we proceed up to certain clauses of the Bill, Sir?

**Mr. PRESIDENT:** There are several amendments which require previous sanction.

**The Hon'ble Mr. FAZLUR RAHMAN:** Are there any such amendments up to clause 5, Sir?

**Mr. PRESIDENT:** The first one requires previous sanction. So is the second one. Nos 3 to 7 also require previous sanction. As such I think we cannot proceed with the consideration of the clauses of the Bill without previous sanction. Why not wait for a day? And this would be convenient to everybody.

**The Hon'ble Mr. FAZLUR RAHMAN:** All right, Sir.

**Mr. PRESIDENT:** Order, order. The House stands adjourned till 2-15 p.m. tomorrow.

### Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 18th February, 1947.

**Members absent.**

The following members were absent from the meeting held on the 17th February, 1947:—

(1) Mr. Abdulla-al-Mahmud.
(2) Mr. L. P. S. Bourne.
(3) Khan Bahadur Abdul Latif Chowdhury.
(4) Khan Bahadur Shaikh Fazal Ellahi.
(5) Mr. Mungturam Jaipuria.
(6) Mr. Humayun Z. A. Kabir.
(7) Mr. Syed Abdul Mazid.
(8) Mr. Nagendra Nath Mahalanobish.
(9) The Hon'ble Mr. Tarak Nath Mukherjea, M.B.E., C.I.E.
(10) Dr. Kumud Sankar Ray.
(11) Dr. Kasiruddin Talukdor.
(12) Khan Sahib Maulvi Wahiduzzaman.

WBGP-47/8-3514A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session, 1947—No. 8.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 18th February, 1947, at 2-15 p.m. being the eighth day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

### Amendments to Non-Official Bills.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, before I make my statement on the Budget Estimates I have to give notice of some motions. With your permission I would like to give notice of the following amendments:—

To the motion of Mr. Nur Ahmed regarding the Transfer of Property and Indian Registration (Bengal Amendment) Bill, 1943, that the Bill be referred to a Select Committee, that it be circulated for the purpose of eliciting opinion thereon by the 31st October, 1947.

I also beg to give notice that Mr. Nur Ahmed's Bill—Bengal Probation of First Offenders Bill, 1942—be circulated for the purpose of eliciting opinion thereon by the 31st October, 1947.

I also beg to give notice that Mr. Nur Ahmed's Bill—The Children Amendment Bill, 1943—be circulated for the purpose of eliciting opinion thereon by the 31st October, 1947.

I also beg to give notice that Mr. Nur Ahmed's Indian Registration (Bengal Amendment) Bill, 1943, be circulated for the purpose of eliciting opinion thereon by the 31st October, 1947.

I also beg to give notice that Mr. Nur Ahmed's Bengal Moneylenders (Amendment) Bill, 1942, be circulated for the purpose of eliciting opinion thereon by the 31st October, 1947.

**Mr. PRESIDENT:** Well, a whole series of Bills by Mr. Nur Ahmed!

## Presentation of Budget Estimate for 1947-48

**The Hon'ble Mr. MOHAMMED ALI:** I rise to present to the Bengal Legislative Council the Budget Estimates for the year 1947-48.

These estimates were presented to the other House yesterday and in the statement which I made on that occasion I reviewed in detail the financial position and the budgetary proposals for the current year as well as for the coming year. In accordance with usual practice, copies of that statement have been supplied to honourable members for their convenience. It will, I think, be sufficient in the circumstances if I confine my present observations to the more important features of the estimates.

So far as our basic revenue in the current year is concerned—and by basic revenue I mean the total revenue less grants from the Centre for financing unproductive Development Projects—it appears that the yield will be very nearly what was anticipated at the Budget stage, namely 32 crores. It is true that compared with the original estimates we shall be down by 1 crore under Income-tax according to the latest information furnished by the Government of India. We are also likely to be down by 50 lakhs under Sales Tax owing to disturbance of normal trading conditions in the middle

of the year. But these are going to be compensated very largely by increased yields from other sources including 60 lakhs under Customs and 50 lakhs under Stamps. The growth under Customs is due to enhancement of the Central export duty on Jute with effect from October last; and that under Stamps is distributed evenly between Judicial and non-Judicial. In total, as I have said, there will be little variation between our original and revised estimates so far as Revenue receipts are concerned.

In regard to our basic expenditure, that is to say, the total expenditure on Revenue account less the expenditure on non-productive Development Projects financed by outright grants from the Centre, our original estimate is likely to be exceeded by 3½ crores. This is due to an increased expenditure of 3 crores under "Famine Relief" and 2½ crores under "Miscellaneous" counterbalanced by a reduction of about 2 crores in respect of ordinary expenditure under Agriculture, Irrigation and Civil Works. The increase under Famine Relief is due partly to large scale purchase of accessory foodstuff and partly to distribution of gratuitous relief on a wider scale than was originally anticipated. The increase under "Miscellaneous" is accounted for by a provision of 51 lakhs for the relief of refugees from Bihar and a crore and 80 lakhs for the relief of other refugees. It also includes 7 lakhs for the Calcutta Disturbances Commission of Enquiry. The decrease under Agriculture amounts to half a crore out of which 25 lakhs is due to reduction of Jute Regulation staff and the balance to smaller expenditure on Grow More Food Schemes. The decrease under Irrigation and Civil Works totalling about 1½ crore is due to slower progress of work.

The result of this increase of 3½ crores under revenue expenditure is that the revenue deficit of a little less than 10 crores visualised at the Budget stage now stands enhanced at about 13 crores.

The House will recall that we started the year with an opening balance of 7½ crores. We thus require a further 5½ crores to close the gap between revenue and expenditure in the current year. Also we must have an opening balance of at least 2½ crores in the coming year. This means a total additional requirement of 8 crores in the current year.

In November last we moved the Government of India for requisite financial assistance to enable us to break even on our revenue account and to open the coming year with a moderate balance in hand. Although we have had no reply to our representation as yet we earnestly hope that the requisite financial assistance will be forthcoming from the Centre. In the meantime, for the purpose of these estimates the uncovered gap between receipt and expenditure has been closed by short-term borrowing.

Let me now turn to the estimates for 1947-48. On the assumption that there will be no untoward incidents obstructing the inflow of revenue or necessitating any large scale outlay on abnormal and unforeseen items, the gap between revenue and expenditure in the coming year is estimated at 6 crores against 13 crores in the Revised estimates for the current year. This improvement of 7 crores in the revenue position is the joint result of an improvement in revenue receipts to the extent of 3½ crores and a decrease in abnormal expenditure by an equivalent amount.

The principal items responsible for the improvement in revenue receipts are an increase of 1½ crore under Income-tax, 70 lakhs under Customs, 25 lakhs under Excise and 90 lakhs under Other Taxes. The increase under Income-tax is based on the latest estimates furnished by the Government of India and presumably includes arrears which could not be collected this year owing to disturbed conditions in Calcutta, Bombay and other places. The increase under Customs is due to the operation of the enhanced export duty on Jute for full twelve months in the coming year. The improved yield under Excise is due to non-recurrence of the current year's decrease in revenue owing to the closure of excise shops in disturbed areas. Under Other Taxes, the improvement is due to an increase of 50 lakhs under

Sales Tax, 30 lakhs under the Tax on Motor Spirit and 5 lakhs each under Electricity Duty and Entertainment Tax. The increase under Sales Tax is based on the assumption that the depression in business brought about by disturbed conditions in the current year will disappear in the coming year and trade in consumer goods will thrive. The improvement in revenue from Motor Spirit Sales Tax is due to the operation of the enhanced rate throughout the year as against a few months only in the current year. The improvement under Electricity Duty and Entertainment Tax is based on the assumption that conditions will continue to be normal in regard to the functioning of Cinema Houses and the consumption of electrical energy.

The decrease in expenditure is made up of a reduction of 3 crores under Famine Relief and 1¼ crore under Miscellaneous for the relief of riot victims and refugees; counterbalanced, to some extent, by an increase of 75 lakhs under Police. The increase under Police is due to the absence of any contribution from the Centre in the coming year towards the upkeep of the Police Force in the Province. The decrease under Famine Relief is based on the assumption that there will be no widespread scarcity in the coming year. The reduced provision under "Miscellaneous" is based on the continuance of relief measures pending permanent rehabilitation of riot victims and refugees.

Even with the improvement in revenue and decrease in abnormal expenditure our revenue deficit in 1947-48 is, as I have already stated, likely to amount to 6 crores. This has been provisionally covered in the Estimates by borrowing in the form of Treasury Bills. The real solution of the problem lies, as the House is aware, in a revision of the financial settlement between the Centre and the Province, pending which there is no other course open to us than to ask for *ad hoc* financial assistance from the Government of India from year to year.

Let me now review briefly some of the important items of expenditure for which provision has been made in the Revised Estimates for the current year and the Budget Estimate for 1947-48.

## Agriculture.

The activities of the Agriculture Department are at present concentrated on the Development Programme and the Grow More Food Campaign. Under the former the estimated expenditure during 1947-48 is 2 crores out of which 1 crore 28 lakhs has been provided under Civil Works for the acquisition of land and construction of requisite buildings. The following are some of the more important items included in the Development Programme:—

(i) *Training of technical personnel.*—Paucity of trained personnel has constituted a serious handicap to Agriculture in this Province. With a view to remove this handicap the Bengal Agricultural Institute, Dacca, which was originally equipped for training 20 graduates per year has now been expanded to turn out 40 graduates every year and it is proposed to expand it further to enable it to produce 150 graduates every year. The three Agricultural Schools, at Dacca, Chinsura and Daulatpur are being reorganised and a new school has been started at Gaibandha for the training of 100 Agricultural Demonstrators every year. A scheme for the establishment of Agricultural Centres for the training of ex-soldiers has also been taken in hand. These Centres are proposed to be set up in the districts of Dacca, Noakhali, Chittagong, Tippera, Faridpur and Bakarganj.

(ii) *Agricultural Research.*—A comprehensive reorganisation of Agricultural Research is being undertaken with a view to make it an effective instrument for all-round development of Agriculture. Increased facilities for Agricultural Research are

being provided at the Central Research Farm at Dacca. The Horticultural Section at Krishnagar is being reorganised for a comprehensive research into the fruit and fruit products industry of the Province. A scheme has also been formulated for intensive research on sugarcane cultivation.

(*iii*) *Animal Husbandry.*—The most important scheme for the development of Animal Husbandry is the Central Livestock Research-*cum*-Breeding Station at Haringhata. The work was taken up sometime back and considerable progress has already been made. It is also proposed to undertake a scheme for the improvement of the quality of cattle, goats and poultry by scientific breeding and livestock breeding farms are proposed to be established at Kalimpong and Chittagong. A scheme has been formulated for the salvage of dry cows in Calcutta and surrounding areas by removing them to a farm at Chuadanga.

In regard to Grow More Food Schemes, a Five-Year programme has been drawn up with the ultimate object of reaching a target of 4¾ lakhs of tons of additional foodgrains in the fifth year. This includes among other things reclamation of 50,000 acres of waste land, sinking of tube-wells for irrigation purposes, distribution of manure and various kinds of seeds and seedlings.

## Fisheries.

The Department of Fisheries which was revived in 1942 with a staff of 1 Director, 3 District Fishery Officers and 5 Field Assistants has now been expanded so as to include in addition 4 Assistant Directors, 9 Superintendents, 30 District Fishery Officers and 90 Fishery Overseers. Proposals for the further development of the Department are under consideration of Government. Among important schemes of Development undertaken by the Department are the exploitation of coastal and estuarine fisheries and improvement of tank fisheries on an extensive scale. Fish-curing yards are being established at Contai and Cox's Bazar and for the rehabilitation of fishermen, yarn suitable for the preparation of fishing nets is being distributed under the supervision of the Director of Fisheries.

## Medical and Public Health.

In the Medical Budget, a grant of 1 lakh 36 thousand has been provided for the Islamia Hospital during the current year and of 2 lakhs 36 thousand for 1947-48 with a view to enable the Institution to make suitable improvements in its equipment and accommodation. A number of important Development Projects has also been taken in hand. A Medical College was opened at Dacca in July, 1946. A new hospital with 500 beds is also proposed to be opened in the old College building at Dacca. It is proposed to establish by May, 1947, a temporary Medical College in the Lake area in Calcutta with a temporary 1,000 bedded hospital attached to it. The Government of India will meet the entire cost of the College and 50 per cent. of the cost of the Hospital. Steps have already been taken for the conversion of the Campbell Medical School into a Medical College with the provision of 100 additional beds. It will not be possible to open this College before July, 1948. The intervening time will be taken up in the construction of buildings required for the purpose. The establishment of a modern Infectious Diseases Hospital in Calcutta with 750 beds is another important project under contemplation. It is proposed to commence the construction of the requisite buildings in the coming year. A Tuberculosis Hospital has been started at Kanchrapara with 216 beds in the current year. Next year's Budget includes provision for further expansion and development. The Public Health Budget for the coming year contains a provision of one lakh for Health Publicity propaganda.

## Education.

In the Education Budget, several important provisions have been made for the advancement of Muslim education. The first is the creation of a special fund called the "Muslim Education Fund" in the current year with a contribution of 4¼ lakhs. This has been raised to 10 lakhs (including 36,000 for Medical) in 1947-48. This fund provides for the award of stipends to promising school and college students, special grants to madrassas and special scholarships for technical education abroad. The next item is the opening, at a cost of about 3 lakhs, of ten hostels in Calcutta for accommodation of Muslim students, some of the hostels being established in the current year. Necessary provision has also been made for the teaching of a larger number of Muslim students in the Islamia College and the Presidency College. For the coming year there is a provision of about 2 lakhs for increased allotment to old scheme Madrassas and Farkania Madrassas. Other important provisions include 2½ lakhs for additional grants to Secondary Schools for boys and girls and 1 lakh for additional grants to non-Government Arts Colleges for men and women. For the advancement of education of the members of Scheduled Castes an additional provision of 5 lakhs has been included in the estimates for 1947-48. A Buddhist Education Fund has also been created with a contribution of 16,000 with effect from the coming year. In the "Development Programme" under Education the provision of 10 lakhs made in the current year for encouragement of post-graduate research has been omitted. The provision for increasing the salaries of Primary School teachers has been enhanced from 20 lakhs in 1946-47 to 54 lakhs in 1947-48 with a view to increase the pay of untrained non-matriculate staff. In 1947-48 provision has been made for establishment of a new College of Engineering at Dacca and the development of the Ahsanullah School of Engineering at the same place. Provision has also been made for the training of staff of Primary Training Schools and of teachers of Nursery Schools, equipment of private colleges, overseas training of new students and the establishment of additional high schools for girls. Another important item included in the programme is the development and extension of the Islamia College, Calcutta. This College is to be shifted to a new site in the outskirts of the city and for this purpose 2,000 acres of land are proposed to be acquired. A provision of 4 lakhs has been made under "Civil Works" to cover the cost of acquisition of land required for this scheme.

For the development of Anglo-Indian and European education next year's Estimate includes additional provision of 4 lakhs for grants to non-Government schools and for improvement and extension of two Government schools at Kurseong.

## Irrigation.

Among Irrigation Projects for which provision has been included in these estimates the most important is the Mor Reservoir Project for which half a crore has been provided in the Revised Estimates for the current year and about a crore and a half in the Budget for the coming year. Preliminary action is also being taken for setting up of a suitable administrative and executive machinery for the improvement of the Damodar Valley Area by flood control, irrigation and generation of electrical power.

## Miscellaneous.

Among other schemes which call for special mention are the North Calcutta Rural Electrification Scheme for which 44 lakhs has been provided in the next year's Budget and the Kanchrapara Area Development Scheme for which 50 lakhs has been provided in the current year and 50 lakhs in

1947-48. This scheme involves the acquisition of the U.S. Army site Kanchrapara measuing about 14,000 acres with a view to develop it f industrial, residential and other purposes.

## Civil Works.

The provision for Road Development in the Civil Works Budget has be estimated at a crore and 32 lakhs in the coming year. The provision i buildings amounts to 2 crores 90 lakhs, the largest items being 1 cro 18 lakhs for buildings required by the Medical Department and 75 lakhs f buildings required by the Agriculture Department. A special Buildi Section has been attached to the Agriculture Department with a view expedite construction work as far as possible.

I need not detain the House any longer over the details of proje included in these estimates since these have been set forth fully in the R Book circulated to honourable members.

The House is well aware of the fact that Bengal's financial difficult date back from pre-Autonomy days when the iniquitous Meston. Awa deprived her of the means to promote the welfare of her people and provide them with reasonable standards of administration. The Niemey Award on which the present financial adjustment between the Centre a the Provinces is based completely overlooked the accumulated deficienc of past years and failed to provide for the growing needs of the future. did no more than provide for a temporary balancing of the Provinc Budget on the extremely meagre standards which were prevailing in 19 The Award did not stand the strain of hard realities. During the War wh other Provinces reaped the benefit of large scale industrial and commerc operations based on military requirements, Bengal, by reason of her cl proximity to the actual theatre of War in the East, had to bear the f brunt of its disrupting effects——

**Mr. LALIT CHANDRA DAS:** On a point of information, Sir. T Hon'ble Minister is reading something which we cannot find in the print Budget.

**The Hon'ble Mr. MOHAMMED ALI:** This is an addition.

Now, Sir, the disastrous famine which was a direct result of the disloc tion of her internal economy and transport system dealt her a blow fro which she has not as yet recovered.

Its effect has been clearly reflected in the emergence of enormo deficits in her Budget year after year while all other major Provinces we piling up substantial reserves of revenue. It is now admitted on all hap that a fair and equitable allocation of financial resources between the Cent and the Province is essential if Bengal is to recover her financial equilibriu In particular the whole of the export duty on jute which is hers by canons of financial propriety should be assigned to her. Pending the rev sion of this financial adjustment there is no other course open to us th to ask for *ad hoc* financial assistance from year to year.

## Conclusion.

So far as the presentation of next year's Budget is concerned, I have don I have endeavoured to place before the House not only a bird's eyeview the financial position but also the implications of some of our importa financial commitments in respect of long-term projects of improvement. I no other Province in India is the problem of economic reconstruction so va and so complex as it is in Bengal where we have to overcome the handica imposed by long years of poverty and neglect in the past. There can be n difference of opinion as to our needs and objectives. What group or part is there which does not aspire to improve the lot of the masses, to lift th

ultivator out of his tragic poverty and ill-health, to infuse the ray of hope where there now broods the darkness of despair? When such are our common deals and objectives there should be no obstacle to a united effort to secure heir fulfilment. With this hope and in this spirit I commend the Budget o the consideration of the House.

### Calcutta Tramway Strike.

**Mr. HARIDAS MAZUMDAR:** Sir, may I mention an important and urgent matter?

**Mr. PRESIDENT:** Yes, what is it?

**Mr. HARIDAS MAZUMDAR:** I have tabled a short-notice question regarding the Calcutta Tramway Strike and I have also informed the Hon'ble Leader of the House about it. May I enquire if he will be pleased to make a statement on this very important question?

**The Hon'ble Mr. MOHAMMED ALI:** Sir, Mr. Shamsuddin Ahmed, the Minister concerned in the matter, is not present here today. So, I cannot say whether he is prepared to make a statement on the matter or not, but I shall bring the matter to his notice. If he agrees, then I have no doubt that he will make a statement on a suitable day.

**Mr. PRESIDENT:** It is suggested that Friday should be a holiday. The idea is this that if we do not sit on Friday then there will be continuous off days, namely, Friday, Saturday and Sunday and we are already having off days on the 19th and 20th. So is it the general desire of the House that we do not meet on Friday?

**Mr. KAMINI KUMAR DUTTA:** Sir, we have no objection.

**Mr. PRESIDENT:** Is Government agreeable to that?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Yes.

**Mr. PRESIDENT:** The House stands adjourned till 2-15 p.m. on Monday next.

### Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 24th February, 1947.

**Members absent.**

The following members were absent from the meeting held on the 18t February, 1947:—

(1) Mr. Abdulla-al-Mahmud,
(2) Mr. L. P. S. Bourne,
(3) Khan Bahadur Abdul Latif Chowdhury,
(4) Mr. C. E. Clarke,
(5) Mr. Mungturam Jaipuria,
(6) Mr. Humayun Z. A. Kabir,
(7) Alhaj Yar Ali Khan,
(8) Mr. Syed Abdul Majid,
(9) Mr. Nagendra Nath Mahalanobish,
(10) The Hon'ble Mr. Tarak Nath Mukerjea, M.B.E., C.I.E.,
(11) Dr. Kumud Sankar Roy,
(12) Dr. Kasiruddin Talukdar, and
(13) Khan Sahib Maulvi Wahiduzzaman.

WBGP-47/8-3565A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session, 1947—No. 9.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 24th February, 1947, at 2-15 p.m. being the ninth day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTIONS AND ANSWERS

### Embankment in the saline water in Chittagong.

55. **Mr. AL-HAJ YAR ALI KHAN:** (a) Will the Hon'ble Minister in charge of the Department of Irrigation and Waterways be pleased to state what are the reasons for issuing Government letter No. 1495/1, dated the 25th June, 1942, to the Commissioner, Chittagong Division, preventing erection of dam or embankment in the saline water area in the district of Chittagong?

(b) Are the Government aware of erection of dam in Sonaichari Khal in village Manikpathan, police-station Banskhali, Chittagong, in open violation of above Government circular?

(c) Why is no criminal prosecution started against the persons concerned in spite of complaint by the public?

**MINISTER in charge of the DEPARTMENT of IRRIGATION and WATERWAYS (the Hon'ble Mr. Tarak Nath Mukherjea):** Sir, instead of reading the printed answer I may give the information I have received since the printing of the answer.

(a) The order was issued in order to check indiscriminate blocking of khals and other natural passages of water. The previous permission of the Collector in consultation with the Superintending Engineer has been made obligatory in connection with any proposal for the construction of *dams*, embankments, etc., in the area in question.

(b) and (c) One Maulvi Emtazul Huq Chowdhury constructed a temporary *dam* for the purpose of keeping out saline water. When it came to the notice of the Subdivisional Officer (Civil), Maulvi Emtazul Huq Chowdhury was asked to remove the *dam* or to apply for permission to the Collector for its retention.

### Teesta Valley Barrage Scheme.

56. **Mr. G. MORGAN:** (a) Will the Hon'ble Minister in charge of the Department of Irrigation and Waterways be pleased to state what are the main features of the Teesta Valley Barrage Scheme, including particulars of the site of the barrage and its height?

(b) What is the present position of the scheme?

(c) What is the total estimated cost of the scheme, capital and recurring?

(d) How is it proposed to finance the scheme?

(e) What new road alignments are proposed to take the place of the existing Kalimpong and Peshok roads in so far as these will be under water?

(f) When is it proposed to begin work on the scheme?

(g) When is it expected that the scheme will be completed?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** (*a*) The m features of the Teesta Valley projects are—

(*i*) Resuscitation of the dead and dying rivers of North Bengal;

(*ii*) Irrigation on a large scale in North Bengal;

(*iii*) Generation of hydro-electrical power for industrial and domes use;

(*iv*) Navigation in the reservoirs and resuscitated rivers of North Beng

(*v*) Pisciculture;

(*vi*) Recreational facilities.

It is proposed to build *dams* and a barrage on the Teesta at suitable plac Their location and height will be determined on completion of necessa survey and investigation.

(*b*) Investigation about the scheme including survey, collection hydrological data and geological investigation are proceeding for plannir the scheme.

(*c*) It is not possible to give an idea of the total cost of the scheme t the investigations are completed.

(*d*) This will be decided when the costs are known.

(*e*) The roads that will go under water will depend on the location a height of the *dams*. They will have to be re-aligned above reservoir leve The new alignments have not been fixed yet.

(*f*) and (*g*) It is too early to say when the work will start or finish.

**Mr. C. MORGAN:** Sir, the Hon'ble Minister says in (*f*) "It is t early to say when the work will start or finish". Does he refer to the actu concrete work? If he means that I can understand it. But, Sir, when came down from Gielle Khola I saw the Forest Department already clearin up the forests on both sides of the river. When I asked them they said th they were clearing before the Irrigation Department took up the wor right down from the top on both sides of the river. Has the Hon'bl Minister no information on that point?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** I do not follo clearly what answer the honourable member wants. Certainly we hav information about this work.

**Mr. PRESIDENT:** Mr. Morgan wants to know whether Governmen have got any information with regard to the work they have alread started?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** These works wer taken up by the Forest Department.

**Mr. C. MORGAN:** What I mean is that the Forest Department ha already begun clearing jungles on both sides of the river near Giel Khol and that is for the barrage, we understand. What the Hon'ble Ministe says is that it is not yet decided where the site of the barrage will be I want to know if he has further information on that subject.

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** The Irrigatio Department has got no information on that subject.

**Mr. BIREN ROY:** Arising out of the question and out of the answer i (*c*) "It is not possible to give an idea of the total cost of the scheme til the investigations are completed", in any case has the scheme been approved by Government that it will be taken up or is it under consideration still not knowing what the cost will be?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Unless the scheme has finally materialised it is not possible to give an idea as regards the cost.

**Mr. BIREN ROY:** Therefore the scheme has not yet been approved by Government. That is what I want to know.

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Naturally. In the circumstances how can it be approved?

**Mr. BIREN ROY:** Then the whole question falls through because the Hon'ble Minister says that the scheme has not yet been approved and therefore the question of starting or finishing the work cannot be answered. But then Mr. Morgan says that he asked the officers of the Forest Department there and they said that the works have partially started on both sides of Giel Khola and the Teesta River. The Hon'ble Minister said that the scheme has not yet been approved by the Government. Are we to understand that amounts are being spent without the approval for the scheme!

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** I am afraid the honourable member has misunderstood the point. Work is quite different from scheme. I said that the scheme unless it is finally laid out, cannot be approved.

**Mr. BIREN ROY:** Therefore the scheme, namely, the Teesta Valley Barrage Scheme, has been approved by Government, that it will be taken up without knowing the cost and the outlay entailing on the Government to complete the scheme.

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** The honourable member has again misunderstood the issue. Government intends to take up the scheme but how can they approve of it unless it is finally formulated and presented to Government.

**Mr. PRESIDENT:** How could the work in this connection be taken in hand without the scheme having been approved?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** No work has been taken up by the Irrigation Department.

**Mr. PRESIDENT:** In view of the statement of Mr. Morgan that some work has been taken up——

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** May be by the Forest Department; not by the Irrigation Department.

**Mr. PRESIDENT:** In connection with the scheme Mr. Morgan wants to know whether you have any further information to give.

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** We have no further information.

**Mr. BIREN ROY:** In view of the statement of the Hon'ble Minister that Government have not yet accepted the scheme as they have not yet got the details of cost, etc., will it be possible for Government to have the details obtained within a reasonable time, say before June 1948?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Certainly—much earlier than that.

**Mr. BIREN ROY:** In how many months?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** It is rather difficult to say in exactly how many months.

**Mr. BIREN ROY:** Will the Hon'ble Minister be in a position to state whether Government have accepted the scheme or not by or before June 1948?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** I have already said that it will be done much earlier. May be in the course of the year

**Mr. HARIDAS MAZUMDAR:** Arising out of answer (*a*)(*vi*) "It is proposed to build *dams* and a barrage on the Teesta at suitable places. Their location and height will be determined on completion of necessary survey and investigation. May I know when the survey and investigation work has commenced?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** I cannot tell it exactly but it is still in progress.

**Mr. HARIDAS MAZUMDAR:** May I know, Sir, when it will be completed?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Sir, I have already said "in the course of the year".

**Mr. HARIDAS MAZUMDAR:** The scheme comes after survey.

### Damodar Valley Project.

**57. Mr. LALIT CHANDRA DAS:** (*a*) Will the Hon'ble Minister in charge of the Department of Irrigation and Waterways be pleased to state whether it is a fact that the setting up of a statutory body under the name and style of the Damodar Valley Corporation with autonomous powers has been decided upon by the Bengal Government in consultation and in co-operation with the Central Government and the Government of Bihar?

(*b*) Will the Government be pleased to give a short outline of the aims of the project and the benefits likely to accrue to the people of Bengal in carrying it into fruition? What area and how many people are likely to be benefited?

(*c*) When will the abovenamed Damodar project be carried into execution?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** (*a*) There is a proposal of setting up the corporation, but final decision about it has not yet been taken. The matter will come up for discussion in the next Damodar Conference at Delhi which will be held shortly.

(*b*) The project envisages the construction of a series of dams and reservoirs, canals, transmission lines, etc., serving the following purposes:—

(*i*) Flood control.

(*ii*) Irrigation.

(*iii*) Generation of power.

(*iv*) Navigation.

(*v*) Industrial and domestic water-supply.

(*vi*) Other related activities.

In Bengal a very large number of people in the districts of Burdwan, Howrah, Hooghly and Bankura will be benefited.

(*c*) The work is expected to be started as soon as final decision is taken about the matter after the next Damodar Conference and the necessary staff and materials are procured.

**Mr. LALIT CHANDRA DAS:** Can the Hon'ble Minister adduce any reason why he has changed the answer as pointed in (*a*) towards the end?

**Mr. PRESIDENT:** What is it?

**Mr. LALIT CHANDRA DAS:** My question is if the Hon'ble Minister will please give any reasons to why he has changed the answer in (*a*) at the

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Sir, I have only changed the date which was the 13th of February next, because the Conference was postponed as Bihar Ministers could not go to the Conference owing to the no-confidence motion that was being discussed in the Bihar Assembly, and a final date has not yet been fixed——

**Mr. LALIT CHANDRA DAS:** Did the Hon'ble Minister himself go?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Yes, I was proceeding but was recalled owing to that reason.

**Mr. LALIT CHANDRA DAS:** Is the Hon'ble Minister aware of any future date for the Conference?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** We are in correspondence with Bihar and Delhi, but a final date has not yet been fixed.

**Mr. BIREN ROY:** Will the Hon'ble Minister please state whether the previous scheme, namely, the Teesta Valley Barrage Scheme and the Damodar Valley Project are practically complementary or similar to each other?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** They are independent schemes; one has no connection with the other.

**Mr. BIREN ROY:** May be independent but they are nonetheless similar projects. Will the Hon'ble Minister therefore be pleased to apprise us of the cost of the projects and might have given us some idea of it while replying to the previous question (No. 56)?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Each case has got to be judged on its own merits and requirements and it is not possible to compare one scheme with another and also to give an idea of the cost.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister please give us an approximate idea of the cost regarding the Damodar Valley Project?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** The total scheme including flood control, irrigation, generation of power, will be costing Rs. 55 crores.

**Mr. LALIT CHANDRA DAS:** Who will bear the whole cost,—what will be Bengal's share of the cost?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** The entire scheme will be financed by a loan which the Centre has promised.

**Mr. BIREN ROY:** Are the Government in a position, if the scheme is not financed by the Centre, to finance this 55-crore scheme independently?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Since the Centre has already agreed to a loan, I submit this question does not arise.

**Mr. BIREN ROY:** It arises in this way, because it is a similar project to the Teesta Valley Barrage Scheme and we want to know whether this Government will be in a position to finance the scheme which will cost in the neighbourhood of 55 to 60 crores of rupees? If Government will not or may not be in a position to do so, what is the use of spending so much money on investigation, etc.....

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** That question does not arise in this case, as I have already pointed out.

**Mr. LALIT CHANDRA DAS:** How much of the cost will the Bihar Government bear?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** That has not yet been finally settled, but it is premature to make statement at the present stage regarding cost and other things; details have not yet been finally settled.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister please state if the Damodar Valley Project can be taken up before June, 1948, the date-line?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** The work will be taken up as soon as it is finally settled at the next Conference.

### Short-notice question.

**Mr. HARIDAS MAZUMDAR:** I had put in a short-notice question regarding the Tramways strike and the Hon'ble Finance Minister assured me that a statement would be made on it. The matter is very urgent and I understand there is a tussle and a tug of war going on between the Tramways and the Calcutta Corporation with regard to the price of tickets——

**Mr. PRESIDENT:** What is your point?

**Mr. HARIDAS MAZUMDAR:** It is this, that the Hon'ble Finance Minister assured me that a statement on the matter would be made——

**Mr. PRESIDENT:** What assurance? Was any assurance given?

**Mr. HARIDAS MAZUMDAR:** Yes, Sir, last Monday an assurance was given——

**Mr. PRESIDENT:** So far as I remember you wanted the Hon'ble Commerce Minister to make a statement but he said that he was not prepared to make a statement——

**Mr. HARIDAS MAZUMDAR:** Yes, Sir, I mentioned the matter the other day and in reply to that the Hon'ble Finance Minister told the House that when the Hon'ble Mr. Shamsuddin would come on Monday he would make a statement and the Hon'ble Finance Minister promised to mention the matter to him. He also gave me an assurance.

**The Hon'ble Mr. MOHAMMED ALI:** Yes, I promised to inform the Hon'ble Minister about it, but I did not give him any assurance.

**Mr. PRESIDENT:** The Hon'ble Minister concerned was not present. So who could give the assurance?

**The Hon'ble Mr. MOHAMMED ALI:** No, Sir, I could not give him any assurance. As a matter of fact, when on the last day I presented the Budget before the House I had a temperature of 101 and I was not able to contact the Hon'ble Minister in charge——

**Mr. HARIDAS MAZUMDAR:** Sorry; but will you convey the idea of this House to him today?

**The Hon'ble Mr. MOHAMMED ALI:** Yes.

### Government Bills.

### The Bengal Protection and Conservation of Fisheries Bill, 1947.

**Mr. PRESIDENT:** The second item of today's agenda is the Calcutta Rent Bill and the third item is the Bengal Protection and Conservation of Fisheries Bill. I propose to take up the third item first to give the Hon'ble Minister in charge an opportunity to move the introduction of the Bill.

**The Hon'ble Mr. AHMAD HOSSAIN:** Sir, I beg to introduce the Bengal Protection and Conservation of Fisheries Bill, 1947, I also beg to give notice to move for consideration of the Bill——

**Mr. PRESIDENT:** When do you propose to do it?

**The Hon'ble Mr. AHMAD HOSSAIN:** On the 26th February. I gave notice on the 17th.

**Mr. PRESIDENT:** You want to move for consideration on the 26th, that is, day after tomorrow? But the time is too short. The point is this: I must give some time to the honourable members to put in amendments to the consideration of the Bill and to the clauses of the Bill. Is it a big Bill?

**The Hon'ble Mr. AHMAD HOSSAIN:** No, Sir, it is a small Bill.

**Mr. PRESIDENT:** How many clauses?

**The Hon'ble Mr. AHMAD HOSSAIN:** 11 clauses.

**Mr. PRESIDENT:** If there is no objection, shall we fix tomorrow for putting in amendments?

**Mr. LALIT CHANDRA DAS:** No, Sir, the time is very short. We want sufficient time and we would like to take it up in accordance with the Rules.

**Mr. PRESIDENT:** There is nothing irregular in it.

**Mr. LALIT CHANDRA DAS:** Of course, Sir, it is your power, unlimited power, but——

**Mr. PRESIDENT:** I quite understand your point. I must give adequate time to the honourable members but I should also accommodate the Hon'ble Minister to move the Bill at short notice. When do you suggest that the Bill should be moved for consideration? If it is not moved tomorrow then it cannot be moved before the 11th of March. Do you agree to this?

**Mr. LALIT CHANDRA DAS:** Yes.

**The Hon'ble Mr. AHMAD HOSSAIN:** Yes.

**Mr. PRESIDENT:** In that case amendments may be sent in by Saturday next, both to the motion that the Bill be taken into consideration as well as to the clauses of the Bill.

## The Calcutta Rent Bill, 1946.

**Mr. PRESIDENT:** The House will now take up the Calcutta Rent Bill.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I beg to move that the Calcutta Rent Bill, 1946, be taken into consideration.

**Mr. PRESIDENT:** That has already been accepted by the House.

*Clause 1.*

**Mr. PRESIDENT:** Clause 1 stand part of the Bill.

**Mr. NUR AHMED:** Sir, I beg to move that in sub-clause (*4*) of clause 1 of the Bill for the figure "1948" in line 2, the figure "1949" be substituted. This is a very simple amendment the purpose of which is to extend the time-limit. In the original Bill the figure "1949" was put but in the Select Committee it was reduced by one year. At that time it

was thought that the Bill would be passed in the House and put on the statute Book in 1946. Unfortunately owing to certain unforeseen incidents the Bill could not be taken up and passed into law in 1946. So it is necessary that the time-limit should be extended.

**Mr. PRESIDENT:** Amendment moved that in sub-clause (4) of clause 1 of the Bill for the figure "1948" in line 2, the figure "1949" be substituted.

**Mr. LALIT CHANDRA DAS:** Sir, I beg to oppose the amendment. The alteration made by the Select Committee, namely, 1948 should remain. After all it is a temporary Bill. The Select Committee has provided that the Provincial Government may, by notification, direct that it shall remain in force for a further period not exceeding three years. When there is already a provision like this there is no meaning in extending this period.

**Mr. C. E. CLARKE:** Sir, I rise to support this motion. The amendment actually restores the date that originally appeared in the Bill and my reasons for suggesting an additional year are that accommodation in Calcutta and in other large centres is unlikely to be more easily obtainable during the period for which we now seek to retain control. Signs that there will be great distress for people seeking accommodation are already there and it is in our opinion urgently necessary that the control provided for in the Bill should remain.

**Mr. BIREN ROY:** Sir, I rise to oppose the amendment. Mr. Clarke, I think, is sometimes inconsistent. He has already given notices of some amendments which will come up later. Being one of the biggest landlords in Calcutta he thinks that this amendment is not going to hit him for he may have a class of clientele very different from that of ours. He was one of the members of the Select Committee and he was a dissenting voice so also was Mr. Nur Ahmed. I quite appreciate Mr. Nur Ahmed suddenly withdrawing all his amendments to clause 1 which wanted to extend the Bill to some municipalities near about Calcutta where the housing conditions are far more difficult than in Calcutta itself and also to other bigger towns as Howrah, Dacca, Darjeeling and Chittagong on the advice of his party but he has stuck to this thing about "1949" although there is a provision as my honourable friend Mr. Das has pointed out that it will continue to be in force for a period of another three years after 1948 if the Government so chose it. Now June 1948, as we all know, is the date when Mr. Clarke or many like him may go away and if they choose to go away many houses will fall vacant and therefore we can move into those houses or those who will desire those houses can move in there and therefore it will not be so very difficult to get much more accommodation than what Mr. Clarke thinks we would get; and besides, the Government are trying to bring in bills like this without looking after those persons who are trying to build houses, those who are trying for some cement or some iron rods for even their own premises instead everything is going to the black-market in spite of the fact that the Central Government has now relieved itself of its responsibility in the matter of discharging all these controls. (Mr. G. MORGAN: No, no.) Steel, at least not cement but steel. Not one single piece of rod can now be purchased in the market at less than four times the controlled price whereas even six months ago when the supply was still difficult with war condition, riots and other things in Calcutta, i.e., when conditions were not so peaceful, steel was available and available on permits from the Central Government offices. What is the reason when everything is controlled by this Government here that things disappear. And if you allow the people to build their small houses they will not go into rent at exorbitant cost which they think of course is exorbitant even when Government is allowing a 10 per cent. increment on rentals which prevailed in December 1941 at a time when people were willing to give their houses to somebody just to

stay in or look after even for a petty sum of money because everybody was leaving Calcutta and most of my friends on the other side also perhaps were not within this territory and such members coming from outside Calcutta being larger in numbers than we the Calcutta members here outvote us on all practical points, now my suggestion to them would be to acquire all these houses just as they are taking the zemindaris and so on and pay us so that we can clear out. That is the best thing to do and better it is done before June, 1948.

**The Hon'ble Mr. FAZLUR RAHMAN:** I accept the amendment on the ground that things will not come to normal by September, 1948, and the conditions obtaining now being abnormal sufficient time should be given for this Act to remain in force.

**Mr. PRESIDENT:** Order, order. The question before the House is that in sub-clause (*4*) of clause 1 of the Bill for the figure "1948" in line 2, the figure "1949" be substituted.

The question was put and a division taken with the following result:—

**AYES—26.**

Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dhirendra Lal Barua.
Mr. Reajuddin Bhuiya.
Khan Bahadur Syed Abdur Rasid Chowdhury.
Mr. Choudhury Moazzem Hussain.
Mr. Abdul Hamid Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. Yusuf Ali Chowdhury.
Mr. C. E. Clarke.
Mr. E. D. Doyne.
Khan Bahadur Sheikh Fazal Ellahi.
Khan Bahadur A. M. Shahoodul Haque.
Mr. G. J. K. Hook.
The Hon'ble Mr. Saiyed Muazzamuddin Hosain.
Mr. Latafat Hossain.
Alhadj Khan Bahadur Shaikh Md. Jan.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latiff.
Mr. George Morgan.
Mr. T. B. Nimmo.
Mr. Abdul Rashid.
Mr. Satish Chandra Sen.
Mr. Md. Taufiq.
Khan Sahib Maulvi Wahiduzzaman.
Haji Md. Yusuf.

**NOES—8.**

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maitra.
Mr. Biren Roy.
Mr. Biswanath Roy.
Mr. Patiram Roy.
Mr. Charu Chandra Sanyal.

Ayes being 26 and Noes 8 the amendment was agreed to.

**Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN:** Sir, I beg to move that in clause 1 of the Bill, the following be added at the end of sub-clause (*4*), namely:—

"but it shall not affect the rent of buildings constructed after 1943".

Sir, under the provisions of this Bill which this House is discussing today every house and premises is subject to a standard rent irrespective of the cost of the house or premises, which provides only 10 per cent. increase over the old rent prevailing in 1941. In my opinion this is a great injustice to the landlords and therefore I have suggested in my amendment that those houses which had been constructed after 1943 should be exempted from the purview of this Bill. We are all aware that the cost of living have gone up tremendously during the last five or six years; not only prices of necessaries of life have gone up, but also prices of luxuries, such as, gramophones, radios are high, and while we have to pay double, treble and even more for them, why we insist to line at low rent and why landlords only should suffer and be compelled to receive from their tenants extremely low rents prevailing in 1941. Sir, we all know that the cost of living has gone up very high. There may be some justification for those tenants who are living in a house or premises for a long time and they may argue that as the rent was fixed by the landlords after due consideration of cost of the building they have no right to increase the rent as far less eject

them and let out to other tenants at higher rent, but they forget that many landlords live only on the rents received from their tenants for the houses inherited by the landlords from their forefathers. They have also to maintain their families and it is a great pity that the tenants do not take care that there is a rise in the prices of all commodities. But there is no justification whatsoever for this attitude in the case of those houses which were constructed in 1943 or afterwards or are being constructed now. These newly constructed houses cannot be rented at such a low rent provided in the Bill. Prices of building materials have also gone up very high. Bricks which used to sell at Rs.17 per thousand in pre-war days, are now being sold at Rs.50 to Rs.55 per thousand. Control price of cement is Rs.62 per ton while before the war it was offered and advertised at Rs.35 per ton. Similarly iron rods, beams, etc., were selling at the rate of Rs.7-8 per cwt. and now the control rate is Rs.14 or Rs.15 per cwt. In the same way sand is sold at Rs.105 per 225 cubic feet or 100 maunds but it used to be sold at Rs.22 in pre-war days. Thus the house or the building which could be completed within Rs.20,000 and could fetch a rent of Rs.50 cannot be built now at less than Rs.50,000 and if the rent is fixed at 10 per cent. above the old rate, *i.e.*, at Rs.55 it does not work out at 1½ per cent. for the capital invested in the building. Any one can get for his investment in promissory notes and fixed deposit more than that. Therefore I would suggest that the houses which have been constructed after 1943, during the high cost of building materials, should be exempted from the purview of this Bill, while looking into the interests of the tenants we should not overlook the difficulties of the landlords and house-owners, also. We must do justice to all including the landlords who like the tenants are also the members of our city, and it is the duty of the Legislatures to protect their legitimate interests. With these words I commend my amendment for acceptance by this House.

**Mr. PRESIDENT:** Amendment moved—that in clause 1 of the Bill, the following be added at the end of sub-clause (*4*), namely:—

"but it shall not affect the rent of buildings constructed after 1943."

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I oppose this amendment. The amendment is unnecessary in view of the provision that has been made by the Select Committee that the standard rate can be ascertained from the Controller.

**Mr. PRESIDENT:** Order, order. The question before the House is that in clause 1 of the Bill, the following be added at the end of sub-clause (*4*), namely:—

"but it shall not affect the rent of buildings constructed after 1943."

The amendment was put and lost.

**Mr. PRESIDENT:** The question before the House is that clause 1 as amended stand part of the Bill.

The question was put and agreed to.

*Clause 2.*

**Mr. PRESIDENT:** Clause 2 stand part of the Bill.

**Mr. CHARU CHANDRA SANYAL:** Sir, I beg to move that in sub-clause (*5*) of clause 2 of the Bill, the words "and also includes a room or rooms in an hotel, boarding house or lodging house" be deleted.

The restriction is undesirable because the casual visitors to the city may not find a place to live in. The hotel is generally for temporary accommodation. No encouragement should be given to a boarder to get into a hotel and taking advantage of this Act to stick on to the inconvenience of others. In that case the hotels would fail to serve the purpose,

the primary function of a hotel that is to cater to the needs of the casual visitors. Those coming from outside would not get any accommodation. They will have to stay on the footpaths which is most undesirable and nobody would like it. The boarding houses and the lodging houses also share the same fate. Of course to keep these boarding houses and hotels under check there is the Bengal Hotel and Lodging House Control Order. This order is sufficient to keep these houses under check. So I move "and also include a room or rooms in an hotel, boarding house or lodging house" be deleted.

**Mr. PRESIDENT:** Order, order. Amendment moved that in sub-clause (*5*) of clause 2 of the Bill, the words "and also inculdes a room or rooms in an hotel, boarding house or lodging house" be deleted.

**Mr. LALIT CHANDRA DAS:** Sir, I rise to support the amendment moved by Mr. Charu Chandra Sanyal. My reasons are that the above establishments should be free to take in visitors or patients and not have tenants forced on them. Consequences of this restriction are bound to be undesirable, for in many cases visitors to the city may find themselves stranded and in other cases patients may have to go without treatment for want of accommodation. With these words I support the amendment.

**Rai Bahadur JOGENDRA CHANDRA ROY:** The arguments already advanced by my friend, Mr. Lalit Chandra Das, are also supported by me and I support the amendent.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I oppose the amendment because I find that no case has been made out really for it, for the result will be really otherwise. There is a class of people who come to the city for visits or rather for necessity for a temporary period and they cannot under this amendment get any accommodation except at a very exorbitant rate, and if this rate is not controlled, it will go hard with them and therefore this class of people will require protection and as such I oppose the amendment.

**Mr. PRESIDENT:** The question before the House is that in sub-clause (*5*) of clause 2 of the Bill, the words "and also includes a room or rooms in an hotel, boarding house or lodging house" be deleted. The question was put and a division taken with the following result:—

**AYES—10.**

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Alhadj Khan Bahadur Shaikh Md. Jan.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maitra.
Rai Bahadur Jogendra Nath Ray.
Mr. Biren Roy.
Mr. Biswanath Roy.
Mr. Patiram Roy.
Mr. Charu Chandra Sanyal.

**NOES—28.**

Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dhirendra Lal Barua.
Mr. Reajuddin Bhuiya.
Khan Bahadur Syed Abdur Rasid Chowdhury.
Mr. Choudhury Moazzem Hussain.
Mr. Abdul Hamid Chowdhury, J.P.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. C. E. Clarke.
Mr. D. J. Cohen, O.B.E.
Mr. E. D. Doyne.
Khan Bahadur Sheikh Fazle Ellahi.
The Hon'ble Mr. Abdul Gefran.
Khan Bahadur A. M. Shahoedul Haque.
Mr. G. J. K. Hook.
The Hon'ble Mr. Saiyed Muazzamuddin Hosain.
Mr. Latafat Hossain.
Mr. Alhaj Yar Ali Khan.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latiff.
Mr. George Morgan, C.I.E.
Mr. T. B. Nimmo.
Mr. Abdul Rashid.
Mr. Amulyadhone Roy.
Miss Ethel Robertson, C.S.P.
Mr. Md. Taufiq.
Khan Sahib Maulvi Wahiduzzaman.
Haj Md. Yusuf.

The Ayes being 10 and the Noes 28 the motion was lost.

**Mr. ABDUL HAMID CHOWDHURY:** Sir, I have given notice of several amendments but I shall move only 12 and 19. I do not propose to move the other amendments. As regards 12 and 19 if the Hon'ble Minister is agreeable to consider these amendments these two amendments may be held over.

**Mr. PRESIDENT:** Suppose other amendments in this clause are accepted, what will be the repercussion of them on your amendments?

**Mr. ABDUL HAMID CHOWDHURY:** There will be no repercussion.

**Rai Bahadur JOGENDRA NATH RAY:** Sir, I beg to move that in sub-clause (*5*) of clause 2 of the Bill, after the words "lodging house" in line 11, the words "let on daily or weekly rent basis" be inserted.

**Mr. SULTANUDDIN AHMED:** This amendment (No. 14) is virtually the same as amendment No. 19 which stands in your name and it has already been decided that amendments Nos. 19 and 12 will stand over. So taking that view of the matter 14 may also stand over.

**Mr. DEPUTY PRESIDENT:** Have you any objection?

**Rai Bahadur JOGENDRA NATH RAY:** I have got no objection.

**Mr. C. E. CLARKE:** I beg to move that in sub-clause (*5*) of clause 2 of the Bill, after the words "lodging house" in line 11, the words "let for a period of not less than one month" be inserted. (Mr. SULTANUDDIN AHMED: This may also be postponed for the present.) Now rates would in all probability be most unfair.

**Mr. SULTANUDDIN AHMED:** This is also connected with the other amendments postponed a little while ago. So this also may stand over.

**Mr. DEPUTY PRESIDENT:** Mr. Clarke, will you be agreeable to have your amendment held over for the present?

**Mr. C. E. CLARKE:** I have no objection to take it up later on if it is the desire of the Deputy President.

**Mr. LALIT CHANDRA DAS:** Mr. Clarke has already moved it. Will you allow him to continue?

**Mr. DEPUTY PRESIDENT:** Let me again ask Mr. Clarke. Mr. Clarke, are you agreeable to the postponement of consideration of your amendment?

**Mr. C. E. CLARKE:** I am quite prepared to carry this to a later stage if it is the wish of the Deputy President.

**The Hon'ble Mr. FAZLUR RAHMAN:** Inasmuch as Mr. Clarke's amendment relates to clause 2(*5*) and other amendments to this very sub-clause have already been postponed, I request that all amendments to clause 2 stand over so that I may have a comprehensive view of all the amendments when they are taken up together.

**Mr. LALIT CHANDRA DAS:** May I offer a suggestion, Sir? Let the Government side take some 10 or 15 minutes now to study those amendments and to come to a decision. So far as Mr. Clarke's amendment is concerned, it is somewhat different from that of yours as well as Jogen Babu's. Yet if they want time to consider over this amendment as well, let them take some time and consider all the amendments to sub-clause (*5*) of clause 2 together and come to a decision and then meet again. Without doing that if we go on with some of the clauses postponing some of the earlier clauses everything will go disorderly and there will be calling of divisions and losing time for nothing.

**The Hon'ble Mr. FAZLUR RAHMAN:** All the amendments on sub-clause (5) of clause 2, are interconnected and so let them stand over. That is all what we want.

**Mr. BIREN ROY:** We cannot go on discussing a Bill piecemeal.

**The Hon'ble Mr. FAZLUR RAHMAN:** Other amendments, as far as I know, they are not connected with this clause, and we may proceed with the other clauses.

**Mr. LALIT CHANDRA DAS:** Our objection is that discussion piecemeal of different clauses of the Bill should not be allowed unless the matter is very pressing and urgent. Here we are proceeding with definitions of expressions and we have come up to the stage of the definition of "landlord" and when on the point of discussing the definition of the term "premises" we are stuck up. Why? My submission, Sir, is that if they so liked they could have come prepared and let the House know what the position is? The best thing to do in my opinion is that we adjourn for 10 to 15 minutes so that the Government side may study the amendments held over and come to a decision and then come back and explain to this House what the position is? By so doing we would be proceeding orderly in accordance with what has been laid down in the Order Paper of the day.

**Mr. DEPUTY PRESIDENT:** Mr. Das, when my amendment was being considered, I think this question should have been raised at that time. As in that case the House postponed the consideration of that amendment, I believe no inconvenience will be caused if the whole clause is now postponed.

**Mr. LALIT CHANDRA DAS:** If that be your view, Sir, I have no objection.

*Clause 2A.*

**Mr. DEPUTY PRESIDENT:** Clause 2A stand part of the Bill.

**Mr. CHARU CHANDRA SANYAL:** I beg to move that in sub-clause (4)(a) of clause 2A of the Bill, the words "executive or" in line 1, be omitted.

The Controller's functions will be mainly judicial functions and the Executive Branch of the Services should not be entrusted with these functions, for I think that if these functions are placed in the hands of the executive those powers may be abused or misused. And in this view I move that the words "executive or" be deleted.

**Mr. DEPUTY PRESIDENT:** Amendment moved that in sub-clause (4)(a) of clause 2A of the Bill, the words "executive or" in line 1, be omitted.

**Mr. LALIT CHANDRA DAS:** I support the amendment of my friend. Sub-clause (4)(a) says "a member of the Executive or Judicial Branch of the Imperial or Provincial Civil Service of not less than ten years' standing in such service" etc., etc. When we find that members of the Judicial Branch of the services may also be taken in as Controller, etc., it is unnecessary to take in executive officers. When there is provision for judicial officers, provision for executive officers is not necessary.

**The Hon'ble Mr. FAZLUR RAHMAN:** I oppose the amendment, because if the amendment is accepted then it will be difficult to get judicial officers for the post of Controller, Deputy Controller, etc. On the other hand, Subdivisional Officers who are members of the executive services have been appointed by Government to various mofussil municipalities as Controllers and I have received no complaint from the public that they have abused or misused their powers. So I do not see the necessity of the amendment.

**Mr. BIREN ROY:** Is the Hon'ble Minister giving a hint that he is going to extend this principle to other municipalities also?

**Mr. DEPUTY PRESIDENT:** The question before the House is that in sub-clause (*4*)(*a*) of clause 2A of the Bill, the words "executive or" in line 1, be omitted.

The question was put and a division taken with the following result:—

**AYES—10.**

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maitra.
Rai Bahadur Jogendra Nath Ray.
Mr. Biren Roy.
Mr. Biswanath Roy.
Mr. Patiram Roy.
Mr. Birendra Kishore Roy Chowdhury.
Mr. Charu Chandra Sanyal.

**NOES—26.**

Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dhirendra Lal Barua.
Mr. Reajuddin Bhuiya.
Khan Bahadur Syed Abdur Rasid Chowdhury.
Mr. Choudhury Moazzem Hussain.
Mr. Hamidul Huq Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. C. E. Clarke.
Mr. E. D. Doyne.
The Hon'ble Mr. Abdul Gofran.
Khan Bahadur A. M. Shahoodul Haque.
Mr. G. J. K. Hook.
The Hon'ble Mr. Saiyed Muazzamuddin Hosain.
Mr. Latafat Hossain.
Alhaj Yar Ali Khan.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latiff.
Mr. George Morgan.
Mr. T. B. Nimmo.
Mr. Abdul Rashid.
Mr. Amulyadhone Roy.
Mr. Md. Taufiq.
Khan Sahib Maulvi Wahiduzzaman.
Haji Md. Yusuf.
Khan Bahadur Shaikh Fazal Ellahi.

The Ayes being 10 and the Noes 26 the motion was lost.

**Mr. C. E. CLARKE:** Sir, I beg to move——

**Mr. DEPUTY PRESIDENT:** Order, order. The question before the House is that clause 2A stand part of the Bill.

The motion was put and agreed to.

*Clause 3.*

**Mr. DEPUTY PRESIDENT:** Clause 3 stand part of the Bill.

The question before the House is that clause 3 stand part of the Bill.

The question was put and agreed to.

*Clause 4.*

**Mr. DEPUTY PRESIDENT:** Clause 4 stand part of the Bill.

The question before the House is that clause 4 stand part of the Bill.

The question was put and agreed to.

*New Clause 4A.*

**Mr. CLARKE:** Sir, I beg to move that after clause 4, the following new clause be inserted, namely:—

"4A. (*1*) Where, as the result of any alteration of the terms of the tenancy, the terms, on which any premises are held, are on the whole less favourable to the tenant than the previous terms, the rent shall be deemed to be increased within the meaning of his Act, whether the sum payable as rent is increased or not.

(*2*) Where, as the result of any alteration of the terms of the tenancy, the terms, on which any premises are held, are not on the whole less favourable to the tenant than the previous terms, the rent shall not be deemed to be increased within the meaning of this Act, whether the sum payable as rent is increased or not."

In moving this amendment, Sir, I have to admit that the first portion is definitely to the advantage of the tenant but relying on the clause empowering the Rent Controller to fix standard rents at rates to be just and fair, members of my party are unanimously of the opinion that the amendment should be passed. It is in any event borrowed from the Rent Act of 1920. Sub-clause (*2*) if passed goes in favour of the landlord and together with the previous sub-clause gives an added improvement to the Bill. I therefore move this amendment confident that my honourable colleagues will give their support.

**Mr. DEPUTY PRESIDENT:** Amendment moved that after clause 4, the following new clause be inserted, namely:—

"4A. (*1*) Where, as the result of any alteration of the terms of the tenancy, the terms, on which any premises are held, are on the whole less favourable to the tenant than the previous terms, the rent shall be deemed to be increased within the meaning of his Act, whether the sum payable as rent is increased or not.

(*2*) Where, as the result of any alteration of the terms of the tenancy, the terms, on which any premises are held, are not on the whole less favourable to the tenant than the previous terms, the rent shall not be deemed to be increased within the meaning of this Act, whether the sum payable as rent is increased or not."

**Mr. LALIT CHANDRA DAS:** On a point of order, Sir. You will kindly permit Mr. Clarke to move the first portion first, namely, 4A(*1*) and only when this is disposed of he is to move the second portion, namely, 4A(*2*), because the first one is in favour of the landlord and the other is in favour of the tenant as he has himself stated. Now if a division is called then there may be some who may support 4A(*1*) and but may be opposed to 4A(*2*), and hence there may be confusion. Therefore in moving this amendment he should not be allowed to move the two parts together. In one amendment he has moved two parts, 4A(*1*) and 4A(*2*), together and this is wrong, I should think because according to Mr. Clarke himself one portion of his amendment is in favour of tenants and the other is in favour of landlords; therefore the two should be moved separately.

**Mr. HAMIDUL HUQ CHOWDHURY:** I think Mr. Clarke wants a balanced decision of the House.

**Mr. DEPUTY PRESIDENT:** What I propose to do in this connection is this: that I shall allow discussion on both the portions together but if it is decided by the House to that effect, I may put them to vote separately.

**Mr. LALIT CHANDRA DAS:** Sir, it is for you to decide whether the whole amendment should be put in part or in whole. We on this side of the House are of the opinion that they should go separately.

**The Hon'ble Mr. MUAZZAMUDDIN HOSAIN:** I think that both should go together. Let us know what is Mr. Clarke's intention.

**Mr. C. E. CLARKE:** Sir, I am of opinion that they should both be taken together.

**Mr. DEPUTY PRESIDENT:** If that is his opinion, then they will go together.

**Mr. LALIT CHANDRA DAS:** May I submit my view on this matter, Sir? It does not matter what Mr. Clarke's intention or opinion is? The House is in possession of his amendment and the House has a mind of its own. The intention of the mover cannot decide the course which the House ought to take or wants to take. In respect of his amendment he has told

us that one of its parts has been moved in the interest of the tenants and another in the interest of the landlords. We put it to you whether it would be fair to put them together or separately. One bloc may support the portion which is in favour of the tenants and another bloc may support the portion which is in favour of the landlords and there may yet be another bloc which may support or oppose both the portions, but I should think that it is just and fair that you should put them separately to vote.

**Mr. DEPUTY PRESIDENT:** I think that is the business of the mover himself.

**Mr. BIREN ROY:** Sir, speaking on this amendment, (Mr. HAMIDUL HUQ CHOWDHURY: which portion?), I do not know which portion but speaking with regard to the amendment which has been moved by Mr. Clarke, as I have already pointed out, Mr. Clarke does not know his own mind. He is a landlord himself and by pressing matters in this way he has made it very difficult for us not only to decide but also to act. In this amendment he has placed two parts which go counter to each other and so will not allow us to act wisely. In clause 4 which has been already passed control has been given to an authority to alter the standard rent according to additions and improvements carried out in respect of premises let out to tenants, and here Mr. Clarke puts in something that in a way, supposing developments have been made in such a way that, really, the Controller should increase the rent, Mr. Clarke would immediately come in, but at the same time if it is favourable to the tenants, even then he would not sit idle. So that there is this dual position. I want to see how Mr. Clarke behaves through the proceedings on this Bill.

**Mr. HAMIDUL HUQ CHOWDHURY:** On a point of order, Sir. Is the examination of Mr. Clarke's conduct the subject of the debate?

**Mr. BIREN ROY:** Well, Sir, that is between Mr. Clarke and myself. Mr. Hamidul Huq Chowdhury should not intervene.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I oppose the amendment moved by my friend Mr. Clarke. In clause 2 we really give this loop-hole to the landlords so there is no need for this amendment and I oppose the whole amendment.

**Mr. DEPUTY PRESIDENT:** The question before the House is that after clause 4, the following new clause be inserted, namely,——

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, if the honourable member wishes to withdraw his amendment he may be permitted to do so——

**Mr. LALIT CHANDRA DAS:** No, Sir, I object to this. The amendment is being put to the vote now and it cannot be withdrawn at this stage.

**Mr. DEPUTY PRESIDENT:** Yes. The question before the House is that after clause 4, the following new clause be inserted, namely:—

"4A. (1) Where, as the result of any alteration of the terms of the tenancy, the terms, on which any premises are held, are on the whole less favourable to the tenant than the previous terms, the rent shall be deemed to be increased within the meaning of this Act, whether the sum payable as rent is increased or not.

(2) Where, as the result of any alteration of the terms of the tenancy, the terms, on which any premises are held, are not on the whole less favourable to the tenant than the previous terms, the rent shall not be deemed to be increased within the meaning of this Act, whether the sum payable as rent is increased or not."

The motion was put and a division taken with the following result:—

**AYES—15.**

Mr. C. E. Clarke.
Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. E. D. Doyne.
Mr. G. J. K. Hook.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maitra.
Mr. George Morgan.
Mr. T. B. Nimmo.
Rai Bahadur Jogendra Nath Ray.
Mr. Biren Roy.
Mr. Biswanath Roy.
Mr. Patiram Roy.
Mr. Charu Chandra Sanyal.
Mr. Satish Chandra Sen.

**NOES—20.**

Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dhirendra Lal Barua.
Mr. Reajuddin Bhuiya.
Khan Bahadur Syed Abdur Rasid Chowdhury.
Mr. Choudhury Moazzem Hussain.
Mr. Hamidul Haq Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Khan Bahadur Sheikh Fazal Ellahi.
The Hon'ble Mr. Abdul Gofran.
Khan Bahadur A. M Shahoodul Haque.
The Hon'ble Mr. Saiyed Moazzamuddin Hosain.
Mr. Latafat Hossain.
Alhaj Yar Ali Khan.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latifi.
The Hon'ble Mr. Tarak Nath Mukerjea.
Mr. Abdul Rashid.
Mr. Md. Taufiq.
Haji Md. Yusuf.

Ayes being 15 and Noes being 20 the motion was lost.

*Clause 5.*

**Mr. DEPUTY PRESIDENT:** Clause 5 stand part of the Bill.

The question before the House is that clause 5 stand part of the Bill.

The motion was put and agreed to.

*Clause 6.*

**Mr. DEPUTY PRESIDENT:** Clause 6 stand part of the Bill.

**Khan Bahadur A. M. SHAHOODUL HUQUE:** Sir, I beg to move that for clause 6, the following clause be substituted, namely:—

"6. No person shall, in consideration of the grant, renewal or continuance of a tenancy of any premises—

(*a*) claim, receive or invite offers or ask for the payment of any premium, *salami*, fine or any other like sum in addition to the rent, or

(*b*) except with the previous written consent of the Controller, claim or receive the payment of any sum exceeding one month's rent of such premises as rent in advance."

The reasons which led me to table this amendment are very simple. In the Select Committee Report receiving and claiming of *salami* or any premium has been forbidden. But inviting offers or asking for payment of *salami* or any premium has not been forbidden and it is very necessary that this should be done for it appears that such invitations for offers of *salami*, etc., are going on. I shall read out a notification appearing in the *Statesman*, dated the 9th December, 1946, asking for such *salami* or premium. It runs thus:

*Houses and flats.*—To let three-storeyed bigger buildings at 46, Chakrabaria Road, North, Bhowanipore, Calcutta, at a system of monthly rent. Lease may extend up to a period of five years. Party is to mention in the application (*a*) the amount of premium and (*b*) the amount of monthly rent he is able to pay. Apply to Manager, Khararia Ward Estate, P.O. Khulna, on or before the 1st week of December 1946.

This may not be an isolated case of such demands being made. I have seen it in the *Statesman* and I believe many of my friends have also seen such advertisements in the *Statesman* and in other papers. It is impossible to see a house without payment of such *salami*—we can call it a *salami* to the *darwan* and he won't show the land or the place unless 50 or 60 rupees is paid to him. When we are going to forbid the system of taking money as *salami* or premium I think it is necessary in the public interests that claiming or asking for or inviting offers of *salami*, etc., should also be included in the main provisions of the Bill.

Now, Sir, with regard to part (*b*) of my amendment, only slight drafting changes have been made to make it more explicit.

With these words I commend my amendment for the acceptance of the House.

**Mr. DEPUTY PRESIDENT:** Amendment moved that for clause 6, the following clause be substituted, namely:—

"6. No person shall, in consideration of the grant, renewal or continuance of a tenancy of any premises—

(*a*) claim, receive or invite offers or ask for the payment of any premium, *salami*, fine or any other like sum in addition to the rent, or

(*b*) except with the previous written consent of the Controller, claim or receive the payment of any sum exceeding one month's rent of such premises as rent in advance."

**Mr. BIREN ROY:** I rise to oppose this amendment. Sir, clause 6 is quite explicit and as soon as a person accepts such payment he can be hauled up and in this particular case which my honourable friend is mentioning he perhaps does not know that the Government is asking for the premium. The house is under the management of the Court of Wards. But after all this Government is omnipotent! And therefore my friend should not have brought this up. If a private individual had a mind to take such *salami*, etc., he would not have dared to give it out in the newspapers, at a time when there is the Ordinance and this Rent Act, that he will ask for such premium. Only the Government of Bengal can do it!

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, as this amendment is an improvement on clause 6 as drafted, I accept the amendment. His amendment prohibits any claim, or to receive or even to invite offers for the payment of any premium or *salami*, etc., and as all these are consistent with the objectives of the Bill, I accept the amendment.

**Mr. DEPUTY PRESIDENT:** The question before the House is that——

**Mr. BIREN ROY:** Sir, there is some irregularity: if this amendment is put at this stage then it would throw out several other amendments.

**Mr. DEPUTY PRESIDENT:** Order, order. The question before the House is that for clause 6 the following clause be substituted, namely:—

"6. No person shall, in consideration of the grant, renewal or continuance of a tenancy of any premises—

(*a*) claim, receive or invite offers or ask for the payment of any premium, *salami*, fine or any other like sum in addition to the rent, or

(*b*) except with the previous written consent of the Controller, claim or receive the payment of any sum exceeding one month's rent of such premises as rent in advance."

The question was put and a division called. (When the House was dividing.)

**Mr. ABDUR RASHID:** Sir, instead of going out every time in this way cannot the division be taken by a show of hands?

**Mr. BIREN ROY:** We have no such rule in this House.

Division was taken with the following result:—

**AYES—28.**

Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dhirendra Lal Barua.
Mr. Reajuddin Bhuiya.
Khan Bahadur Syed Abdur Rasid Choudhury.
Mr. Chowdhury Moazzem Hussain.
Mr. Hamidul Huq Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. C. E. Clarke.
Mr. E. D. Doyne.
Khan Bahadur Sheikh Fazal Ellahi.
The Hon'ble Mr. Abdul Gofran.
Khan Bahadur A. M Shahoodul Haque.
Mr. G. J. K. Hook.
The Hon'ble Mr. Saiyed Moazzemuddin Hosain.
Mr. Latafat Hossain.
Alhaj Yar Ali Khan.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latiff.
Mr. George Morgan.
The Hon'ble Mr. Tarak Nath Mukerjea.
Mr. T. B. Nimmo.
Mr. Abdul Rashid.
Mr. Amulyadhone Roy.
Mr. Satish Chandra Sen.
Mr. Md. Taufiq.
Khan Sahib Maulvi Wahiduzzaman.
Haji Md. Yusuf.

**NOES—8.**

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maitra.
Rai Bahadur Jogendra Nath Ray.
Mr. Biren Roy.
Mr. Biswanath Roy.
Mr. Charu Chandra Sanyal.

The Ayes being 28 and the Noes 8 the motion was carried.

**Mr. DEPUTY PRESIDENT:** In view of the acceptance of this amendment, amendments Nos. 29 to 35 fall through.

The question before the House is that clause 6 as amended stand part of the Bill.

The motion was put and agreed.

**Mr. DEPUTY PRESIDENT:** The House stand adjourned till 2-15 p.m. tomorrow.

## Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 25th February, 1947.

**Members absent.**

The following members were absent from the meeting held on the 24th February, 1947:—

(1) Mr. Abdulla-al-Mahmud,
(2) Mr. L. P. S. Bourne,
(3) Khan Bahadur Abdul Latif Chowdhury,
(4) Mr. Bankim Chandra Datta,
(5) Mr. Kamini Kumar Dutta,
(6) Mr. Mungturam Jaipuria,
(7) Mr. Humayun Z. A. Kabir,
(8) Mr. Syed Abdul Majid,
(9) Mr. Nagendra Nath Mahalanobish,
(10) Mr. Bijoy Singh Nahar,
(11) Khan Bahadur Ghyasuddin Pathan,
(12) Khan Bahadur Mukhlesur Rahman,
(13) Dr. Kumud Sankar Ray, and
(14) Dr. Kasiruddin Talukdar.

WBGP-47/8-6344A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session, 1947—No. 10.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 25th February, 1947, at 2-15 p.m. being the tenth day of the First Session of 1947, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTIONS AND ANSWERS

### Safe deposit scheme.

**58. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Department of Co-operation, Credit and Relief be pleased to state if any "safe deposit scheme" to collect the savings of the poor through the co-operative societies or otherwise has been drawn for Bengal districts and put into operation?

(*b*) If not, do the Government of Bengal contemplate to draw up such co-operative safe deposit schemes for the benefit of the poor in Bengal?

(*c*) If not, why not?

(*d*) Do the Government propose to direct all the co-operative societies in Bengal to introduce a scheme of compulsory deposit for its members on the line of Chittagong Traders Co-operative Bank by suitable amendments in their respective bye-laws and rules?

**MINISTER in charge of the DEPARTMENT of CO-OPERATION, CREDIT and RELIEF (the Hon'ble Mr. A. F. M. Abdur Rahman):** (*a*), (*b*) and (*d*) No.

(*c*) There is already a network of co-operative credit societies in the Province and all members or non-members can keep their savings with these credit societies.

**Mr. NUR AHMED:** Sir, may I draw the attention of the Hon'ble Minister to (*d*) of the question where it has been asked "Do the Government propose to direct all the Co-operative Societies in Bengal to introduce a scheme of compulsory deposit for its members on the line of Chittagong Traders Co-operative Bank by suitable amendments in their respective bye-laws and rules?" Now, will the Hon'ble Minister please say whether any such rules should be made making it compulsory on the members to make deposits?

**The Hon'ble Mr. A. F. M. ABDUR RAHMAN:** I am sorry, it is against the principle of co-operation. We cannot compel anybody to deposit.

### Teesta Valley Barrage scheme.

**59. Mr. LALIT CHANDRA DAS (on behalf of Mr. Nagendra Nath Mahalanobish):** Will the Hon'ble Minister in charge of the Department of Irrigation and Waterways be pleased to state if the Teesta Valley Barrage scheme is being worked out by survey and collection of the necessary data? If so, when is the survey work likely to be completed and when do the Government expect to start the execution of the work?

**MINISTER in charge of the DEPARTMENT of IRRIGATION and WATERWAYS (the Hon'ble Mr. Tarak Nath Mukherjea):** Yes. It is too early to say when all the investigations will be completed and the execution of the scheme will start.

**Mr. BIREN ROY:** Will the Hon'ble Minister please state when the survey began?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Since last year. In this connection I may also make a short statement that possible sites are being investigated for the construction of dams and barrages, in Giellekhola and in other places and geological survey report is also being enquired into to investigate the possibility of damages by earthquake.

## The Calcutta Thika Tenancy Bill, 1947.

**Mr. PRESIDENT:** Order, order. Let us take up the Calcutta Rent Bill.

**The Hon'ble Mr. FAZLUR RAHMAN:** Before you take it up, Sir, permit me to make this motion.

With your permission I beg to introduce the Calcutta Thika Tenancy Bill, 1947, and to give notice that I shall move at short notice at the sitting of the Bengal Legislative Council to be held on the 11th March, 1947, that the said Bill be referred to a Select Committee consisting of—

(1) Mr. Nur Ahmed, M.L.C.,
(2) Mr. S. M. Taufiq, M.L.C.,
(3) Haji Mohammad Yusuf, M.L.C.,
(4) Mr. Latafat Hossain, M.L.C.,
(5) Mr. D. J. Cohen, M.L.C.,
(6) Mr. George Morgan, M.L.C.,
(7) Mr. Amulyadhone Ray, M.L.C.,
(8) Mr. Biren Roy, M.L.C.,
(9) Mr. Patiram Roy, M.L.C.,
(10) Rai Bahadur Brojendra Mohan Maitra, M.L.C., and
(11) the mover,

with instructions to submit their report by the 26th March, 1947. The number of members whose presence shall be necessary to constitute a quorum shall be five.

The Bill was published in the *Calcutta Gazette, Extraordinary*, of the 17th February, 1947, and necessary number of copies of the Bill was sent to the Bengal Legislative Council Department by the Legislative Department for distribution to the members of the Council.

**Mr. PRESIDENT:** Any amendments that the Bill be circulated for the purpose of eliciting public opinion thereon, etc., can be put in up to 3 p.m. on the 4th of March.

**The Hon'ble Mr. FAZLUR RAHMAN:** The amendments may even be for change in the personnel of the select committee that I have suggested.

## The Calcutta Rent Bill, 1946.

**Mr. PRESIDENT:** Now we take up the Calcutta Rent Bill, 1946.

Several amendments on clause 2 were kept postponed yesterday. What about them?

**The Hon'ble Mr. FAZLUR RAHMAN:** They may stand over also today as Government requires more time to go through them and to come to a decision.

**Mr. PRESIDENT:** Is that the general opinion that the amendments to sub-clause (*5*) of clause 2, the consideration of which was postponed yesterday, should be postponed again today as requested by the Hon'ble Minister?

**Mr. BIREN ROY:** We have no objection.

**Mr. PRESIDENT:** We will now go to clause 7.

*Clause 7.*

**Mr. PRESIDENT:** Clause 7 stand part of the Bill.

The question before the House is that clause 7 stand part of the Bill.

The question was put and agreed to.

*Clause 8.*

**Mr. PRESIDENT:** Clause 8 stand part of the Bill.

The question before the House is that clause 8 stand part of the Bill.

The question was put and agreed to.

*Clause 9.*

**Mr. PRESIDENT:** Clause 9 stand part of the Bill.

**Mr. CHARU CHANDRA SANYAL:** I beg to move that in sub-clause (*1*) of clause 9 of the Bill, for the words and figures "26th day of June 1943", the words and figures "the 1st day of October 1946" be substituted.

This is the date on which the Calcutta Rent Ordinance of 1946 came into force and it is proper that here also the date should be made 1st day of October 1946, instead of the "26th day of June 1943".

**Mr. PRESIDENT:** Amendment moved that in sub-clause (*1*) of clause 9 of the Bill, for the words and figures "26th day of June 1943" the words and figures "the 1st day of October 1946" be substituted.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I oppose the amendment. In view of the fact that provision for refund exists in the Rent Control Order the clause as amended by the Select Committee should stand.

**Mr. PRESIDENT:** The question before the House is that in sub-clause (*1*) of clause 9 of the Bill for the words and figures "26th day of June, 1943", the words and figures "the 1st day of October, 1946" be substituted.

The question was put and lost.

**Mr. PRESIDENT:** The question before the House is that clause 9 stand part of the Bill.

The question was put and agreed to.

*Clause 10.*

**Mr. PRESIDENT:** Clause 10 stand part of the Bill.

**Mr. L. P. S. BOURNE:** Sir, I beg to move that in clause 10 of the Bill, after sub-clause (*1*), the following new sub-clause be inserted, namely:—

"(*1A*) The Controller may on his own initiative, and shall on receipt of information from an interested party that a landlord is claiming or receiving a sum on account of rent in excess of the standard rent for any premises, by order in writing fix the standard rent of any premises leased or about to be leased by any landlord after such enquiry as he may think fit."

Now, Sir, if you will please turn to the Report of the Select Committe on this Bill you will find a note of dissent by my friend Mr. Clarke in whic he says "Provision should be made in clause 10 to enable the Controller o his own initiative or on the receipt of reliable information from an interest ed party to fix the standard rent for any premises.....

**Mr. PRESIDENT:** May I interrupt Mr. Bourne for a minute? I appears that he read an additional word "shall" after the word "initiative" But what is his actual amendment?

**Mr. L. P. S. BOURNE:** I am afraid there is a typographical error i the printed form as supplied to us. My original amendment was that th Controller may on his own initiative and shall on receipt of informatio from an interested party that a landlord is claiming, etc., etc.

**Mr. PRESIDENT:** Then I think that is all right. You may go on.

**Mr. L. P. S. BOURNE:** Thank you, Sir. I will read it again— "(*1A*) The Controller may on his own initiative, and shall on receipt o information from an interested party that a landlord is claiming or receivin a sum on account of rent in excess of the standard rent for any premises by order in writing fix the standard rent of any premises leased or abou to be leased by any landlord after such enquiry as he may thing fit".

**Mr. BIJOY SINGH NAHAR:** Sir, he has changed the word "than" to "that".....

**Mr. PRESIDENT:** Yes, that is all right.

**Mr. L. P. S. BOURNE:** As I was saying, Sir, in the minute of dissen on the Select Committees report on this Bill, Mr. Clarke says tha "provision should be made in clause 10 to enable the Controller on his ow initiative or on the receipt of reliable information from an interested part to fix the standard rent for any premises". In clause 10, sub-clause (*1*) c the Bill, it is provided that the Controller shall, on application by any lanc lord or tenant, grant a certificate of standard rent and sub-clause (*2*) c the same clause provides—"on application made to him by any tenant c occupant of a room or rooms in an hotel, boarding house, or lodgin house .....". Now, Sir, this does not go far enough as it leaves out c the question ordinary domestic premises and business offices and we war something in this Bill to provide for the fair use of the Controller's powe with regard to all premises, including private premises, lodging houses an hotels. The amendment that I have suggested has nothing restrictiv about it. It meraly seeks to widen the powers governing the action of th Controller. I have also provided in this amendment that the Controlle may take action on his own initiative. The clause as it stands does n allow the Controller power to take action on his own initiative. He wi have to wait until the landlord or the tenant applies for such action. think, Sir, that this House will accept the view that it is only right that a Controller is to be appointed he should have sufficient powers to do his ow job and to take action as soon as he comes to know of any unfair dealin either on the part of the tenant or on the part of the landlord and that I should therefore take action even if he is not prompted to do so by tl tenant who may for various obvious reasons not be willing to bring tl matter to his notice. Secondly the amendment provides for application be made to the Controller to intervene by any person who is an interest party. According to sub-clause (*1*) of this clause unless and until a pers first becomes a tenant he cannot make such application and the Controll cannot take action on his application. That position seems to be entire unfair. Therefore I have included in this amendment the words "on recei of information from an interested party". There may be a person wl want to rent new premises and he may also be one of many persons wl want the same premises and he knows that the landlord is trying to impo an unfair rent, but he cannot take action under the provision of the Bi

to take action until he becomes a tenant. As I say there may be several other applicants for the same premises and in our view it is only fair that any one of them should be in a position to call upon the Controller to use his power. For these reasons I hope that the Hon'ble Minister and the House will accept my amendment.

**Mr. PRESIDENT:** Amendment moved that in clause 10 of the Bill after sub-clause (*1*), the following new sub-clause be inserted, namely:—

"(*1A*) The Controller may on his own initiative, and shall on receipt of information from an interested party that a landlord is claiming or receiving a sum on account of rent in excess of the standard rent for any premises, by order in writing fix the standard rent of any premises leased or about to be leased by any landlord after such enquiry as he may think fit."

**Mr. BIREN ROY:** Sir, I rise to oppose this amendment proposed by our honourable friend, Mr. Bourne. The amendment at first reading seems to be very simple and I thought it was just going to give the Controller additional power of assessing the standard rent of the premises on his own initiative but Mr. Bourne has been very helpful and he has explained what his intentions are and his amendment nearly borders on mischief. He said that interested parties will come—and there may be 5 or 6 parties in certain places—and report to the Controller about the fixation of the standard rent and the Controller may arbitrarily give a decision which may be against the interest of the landlord or even a tenant who is interested in the place. The particular tenant may not come and that tenant may be preferable to the landlord. Now, Mr. Bourne's amendment would be adverse to the interest of both the landlord and a really interested party, a tenant preferable to the landlord. Here in the Bill sufficient power has been given to the Controller to assess the standard rent and clause 10 with all its sub-clauses is very exhaustive. The only thing Mr. Bourne wants here is to remove the landlord from the scene of fixing the standard rent on his own initiative. Why, hasn't he any interest in the renting of his premises. He gives the initiative to the Controller at the instance of the interested parties who need not be tenants but just be interested to harass the house-owner. If they are tenants and if they are oppressed they can certainly go to the Controller for the redress of their grievances. But when one is not a tenant, he certainly should not be allowed to come in to create mischief simply to trouble the Controller with his vexatious application and thereby injure the owner. This is the reason, Sir, why I oppose the amendment.

**Mr. BIJOY SINGH NAHAR:** Sir, I rise to oppose the amendment. The first thing is that the "Controller may on his own initiative and shall on receipt of information from an interested party that a landlord is claiming or receiving a sum on account of rent in excess of the standard rent for any premises, by order in writing fix the standard rent.....". Now two things must happen—one is that the Controller has got to take the initiative whether he receives any information or not and the second thing is that he may act after getting the information from the interested parties. In the main Bill there is a provision that the Controller has power to fix the standard rent on application from the tenant. It is queer that the Controller should act on receipt of information from interested parties. Suppose a landlord has given his building, room or a flat to a tenant and a third party comes in and his only interest would be to take advantage of this amendment by resorting to foul means, by adopting objectionable tactics he will want the building and then let it out at an enhanced rent. There are many touts in Calcutta now who are making money out of this sort of practice. Does Mr. Bourne want to help them? These touts will go to the Controller and say things which do not exist and harass the landlords and disgust the Controller and will make money out of these transactions at the cost of the landlords. The Bill has already given enough powers

to the Controller for fixing rent in various ways and I do not think this amendment will in any way help in checking corruption rather it will bring in more complications.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I oppose the amendment and my reasons are these: With regard to the premises that are rented sub-clause (*1*) of clause 10 is sufficient. And with regard to the premises that are about to be leased even if the provision is there in the same sub-clause, you cannot compel a landlord to lease out his house to the man who is offering the standard rent. The apprehension of the honourable member Mr. Bourne is: suppose there are five applicants and one of them manoeuvres and tries to offer the landlord a higher rent than the standard rent fixed by the Controller. The other applicants should be allowed to approach the Rent Controller so that he can take action in the matter, if necessary. But for that already provisions are sought to be given by Government in amendment No. 110 which will at a later stage be moved by Khan Bahadur A. M. Shahoodul Huque at the instance of Government and provision is made therein for punishing all malpractices. And I think that amendment would remove the apprehension of the honourable mover who seeks to incorporate his amendment and I would appeal to the honourable member to withdraw his amendment.

**Mr. BIJOY SINGH NAHAR:** May I ask the Hon'ble Minister one thing? He has explained as a plea for the withdrawal of the amendment of Mr. Bourne that Government has asked a member of their party to put in certain amendments on behalf of Government. I know, Sir, that the Government took the initiative.....

**The Hon'ble Mr. FAZLUR RAHMAN:** And in view of that amendment which Government are going to accept, this will be unnecessary. That is what I was saying.

**Mr. BIJOY SINGH NAHAR:** Do the Government realize that they failed to bring all these matters to the notice of the Select Committee and so they are now putting forward certain amendments through certain members?

**Mr. PRESIDENT:** Mr. Nahar wants to know why these points which have cropped up since could not be thought of and brought before the Select Committee for being thrashed out.

**The Hon'ble Mr. FAZLUR RAHMAN:** That question cannot arise because, Sir, if in the course of further discussions after the Select Committee finished its labours some new light was thrown on a matter and certain amendments required to be put in either from the Government side or from any other side of the House Government should be prepared to accept them as they are always prepared to accept any reasonable amendment.

**Mr. BIREN ROY:** Of the Opposition?

**The Hon'ble Mr. FAZLUR RAHMAN:** Any side if it is reasonable.

**Mr. L. P. S. BOURNE:** On a point of explanation, Sir. As it is not likely that my amendment will have much luck to be accepted by the House I rise just on a point of explanation.....

**Mr. PRESIDENT:** You cannot speak again on this amendment of yours.

**Mr. L. P. S. BOURNE:** Just in explanation. One particular point was made in the debate—two points in fact. One was that the Controller was.....

**Mr. LALIT CHANDRA DAS:** Will you give us the right of explanation, Sir?

**Mr. PRESIDENT:** Mr. Bourne, you may say something only on a point of personal explanation and not refer to the points raised in the debate. Let some member of your party speak on your behalf if you are very keen in offering your explanation.

**Mr. L. P. S. BOURNE:** I think it better that we leave the matter rest as it is.

**Mr. SULTANUDDIN AHMED:** When the mover has been requested by the Minister in charge to withdraw his amendment, cannot the member be allowed to have his say, Sir?

**Mr. PRESIDENT:** No, he cannot even in view of the fact that he has been requested by the Hon'ble Minister in charge to withdraw the amendment. He either withdraws the amendment or sticks to it.

**Mr. PRESIDENT:** Order, order. The question before the House is that in clause 10 of the Bill, after sub-clause (*1*), the following new sub-clause be inserted, namely:—

"(*1A*) The Controller may on his own initiative and shall on receipt of information from an interested party that a landlord is claiming or receiving a sum on account of rent in excess of the standard rent for any premises, by order in writing fix the standard rent of any premises leased or about to be leased by any landlord after such enquiry as he may think fit".

The question was put and lost.

**Mr. PRESIDENT:** Mr. Abdul Hamid Chowdhury will now move amendment No. 46.

**Mr. LALIT CHANDRA DAS:** On a point of order, Sir. So far as this motion is concerned it is connected with other amendments of the Deputy President in relation to clause 2.....

**Mr. PRESIDENT:** Which motion?

**Mr. LALIT CHANDRA DAS:** The motion which you have just now called upon Mr. Abdul Hamid Chowdhury to move, viz., Nos. 46-47.

**Mr. ABDUL HAMID CHOWDHURY:** But I am not moving this amendment.

**Mr. LALIT CHANDRA DAS:** In any case there is another gentleman along with him; you cannot escape that responsibility; he may move his amendment.

**Mr. PRESIDENT:** Yes, Mr. Roy.

**Mr. LALIT CHANDRA DAS:** But, Sir, can he be allowed to move his amendment just now because it is connected with amendments in relation to clause 2 of the Bill?

**Mr. PRESIDENT:** Let me examine the point.

**Mr. LALIT CHANDRA DAS:** This amendment is connected also with amendments Nos. 14, 15, 19, regarding "lodging house" which was postponed.

**Mr. PRESIDENT:** I think this amendment should stand over. Let us in the meantime examine whether it is out of order or not, because in view of the fact that the House has already accepted the general principle, this will probably be out of order.

**Mr. LALIT CHANDRA DAS:** Yes, Sir, in that view let it stand over for the time being.

**Mr. PRESIDENT:** It will have to be considered in connection with amendments to clause 2.

**Mr. LALIT CHANDRA DAS:** Therefore, Sir, let it stand over instead of immediately ruling it out of order.

**Mr. PRESIDENT:** Now Mr. Clarke will move amendment No. 48.

**Mr. C. E. CLARKE:** Should not amendment No. 47A come before mine?

**Mr. LALIT CHANDRA DAS:** This amendment of Mr. Rashid also should stand over as it relates to the "boarding house" portion.

**Mr. PRESIDENT:** Yes, this amendment is also connected with clause 2 and should stand over.

**Mr. BIJOY SINGH NAHAR:** May I suggest, Sir, that all the amendments under clause 10 may stand over.

**Mr. PRESIDENT:** Yes, let clause 10 stand over. Now we come to clause 11.

*Clause 11.*

**Mr. BIJOY SINGH NAHAR:** On a point of order, Sir. The Select Committee has deleted clause 11 altogether. This is a new amendment to clause 11. When there is no clause 11 how can it be an amendment under clause 11?

**Mr. PRESIDENT:** It is a new clause. It is a new clause proposed by Mr. Nur Ahmed.

**Mr. NUR AHMED:** Yes, Sir, it is a new clause. I beg to move that the following new clause 11, be added:—

"No distress warrant shall be issued under Chapter VIII of the Presidency Small Cause Courts Act, 1882 and no process under the Code of Civil Procedure, 1908, in execution of decree passed *ex parte* thereunder, shall be issued, either for the attachment of property or for the arrest of any tenant, in connection with the recovery of the rent of any other premises situated in any area to which this Act may apply, unless the person applying for execution, when making his application, swears or affirms by affidavit or otherwise that none of the rent, in respect of which execution is applied for is irrecoverable under this Act".

Sir, Here I find in line 6 there is a mistake. Sir, the word "any" before the word "rent" in line 6 should be substituted with the word "three" and I have read with this correction.

**Mr. PRESIDENT:** Yes, you can do so.

**Mr. NUR AHMED:** Sir, I am trying to explain why this clause is necessary. Objection has been raised that this clause does not exist in the Bill, that this was omitted by the Select Committee and as I was a member of the Select Committee I should not have moved an amendment Unfortunately I was absent and so I did not get any opportunity to express my opinion about it. With all respect to the members of the Select Committee I must say that this is a most important clause which should be retained. "No process in execution of a decree passed thereunder"—this is very important. Such safeguards are in vogue in many of the existing Acts in Bengal. This is a safeguard against recovery of irrecoverable due by an unscrupulous landlord. My submission is that there are some greedy landlords who may go to court and obtain a decree *ex parte* and then in the claim the sums which are irrecoverable under this Act may be included and the court may not decide whether any portion of the rent is irrecoverable in a *ex parte* judgment. As the suit is decided *ex parte* and there will be non

to point out if portion of the claim is illegal. So such protection against fraud practised upon court is needed. So I move the addition of this new clause for protection of poor tenants. This safeguard is the most important in this Bill specially owing to the fact that there is acute shortage of housing accommodation in Calcutta. We should give this protection to the tenants. With this end in view I move this amendment and I hope this will be accepted by the House.

**Mr. PRESIDENT:** Amendment moved that the following new clause 11, be added:—

"No distress warrant shall be issued under Chapter VIII of the Presidency Small Cause Courts Act, 1882 and no process under the Code of Civil Procedure, 1908, in execution of a decree passed *ex parte* thereunder, shall be issued, either for the attachment of property or for the arrest of any tenant, in connection with the recovery of the rent of any premises situated in any area to which this Act may apply, unless the person applying for execution, when making his application, swears or affirms by affidavit or otherwise that none of the rent, in respect of which execution is applied for is irrecoverable under this Act."

**Mr. LALIT CHANDRA DAS:** Sir, I oppose the amendment moved by Mr. Nur Ahmed. It is an unwarranted attempt on the part of the Government party to give jurisdiction into the hands of the Controller over the Presidency Small Causes Courts or civil courts in Bengal. Whenever a rent suit is brought even if it is done under the provisions of Code of Civil Procedure or under the provisions of the Presidency Small Causes Courts as in Calcutta, certain rules are to be observed. In accordance with those provisions a summons has got to be issued on the tenants against which a decree is obtained by the landlord. If the tenant does not appear and a decree is passed it becomes *ex parte*. No jurisdiction should be given to the Controller to override the decrees which are passed by civil courts as well as by the Presidency Small Causes Courts. Even after getting a decree against a tenant there are remedies which are open to the tenants. That remedy is that as soon as the execution is sought or a notice is issued the tenant may re-appear and apply for revival of the case in the Presidency Small Causes Court or in any other court alleging that no summons was issued or served upon him and again evidence is gone into to prove whether any summons was actually served upon the tenant. If it is proved that no summons was actually served then the court revives the original case and the tenant is given an opportunity of filing his statement and his case is re-heard and the whole thing comes in again. Why then the Controller should be given this power when the tenant has so many remedies. In fact what is sought by the Government here is to make the Controller a Fascist Officer giving him uncontrolled power to deal with cases between the landlords and tenants. Here Government is trying that even where the civil courts or Presidency Small Cause Courts exercise their jurisdiction properly even then they must be interfered with and even then the powers should be given to the Controller to come in and interfere. Here again, Sir, there is another purpose behind it. Now why comes in the question of swearing? It is for the purpose of increasing the revenue; it is for the purpose of indirectly enhancing the revenue to the Government. For no affidavit can be filed without affixing a proper stamp and the stamp that is necessary would be at least one rupee on each affidavit. This also means prolongation of the agonies of the landlord or agonies of the parties, of the landlords and of the tenants in the matter of realization of rent. This was discussed in the Select Committee by us and after some hours discussion we came to the conclusion that this provision should be deleted and that the power of the Presidency Small Causes Court and the power of the Civil Courts should remain in tact and that no power should be given to the Controller

to interfere in any way with the legitimate rights of the civil courts as well as the Presidency Small Causes Court. With these words, Sir, I oppose the amendment of my friend, Mr. Nur Ahmed.

**Mr. BIJOY SINGH NAHAR:** I also rise to oppose this amendment. Sir, I would have been glad if Mr. Nur Ahmed would have come forward with an amendment of a different type suggesting that at the time of filing the plaint the landlord must mention therein that the rent as claimed is not in excess of the standard rent. But he has not done that. But what he is asking in the amendment is after the case is over at the time of execution of the decree, again the landlord has got to affirm in an affidavit that there has been no increase in the rent. That means, as Mr. Das has said, an indirect way of suggesting additional revenue to the Government. Mr. Nur Ahmed might be thinking that he is going to relieve the tenants by this amendment. But that is not the case, Sir. This cost will be realised from the tenant also because all the expenditure in the case will be realised by an order of the court, the tenant also having to bear the cost in part, and this will be an extra burden on the tenants and there is no safeguard to prevent it because the landlord who files a suite does openly say that such and such is the rent. If there is any objection by the tenant he can naturally at any time go to the Rent Controller and file an objection that the rent demanded is in excess of the standard rate. Therefore the question of an affidavit does not in any way help either the tenant or the landlord. With these words I oppose the amendment.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I do not understand why Mr. Das was so vehement in opposing this clause because I find that it is only a question of swearing an affidavit. The Controller has not at all been introduced into this clause. This is also a power to be exercised by a party before the court, not before the Rent Controller. This gives no power to the Rent Controller in addition. Then again, Sir, this is not a new provision. The same provision is there in the Calcutta Rent Act of 1920. Exactly the same wording as section 13 of the Calcutta Rent Act of 1920 where it is laid down "..... shall, when making his application swear or affirm by affidavit or otherwise that none of the rent in respect of which execution is applied for, is irrecoverable under this Act". Exactly the same terms have been introduced here. And this amendment, I feel should be accepted because this will have the effect of preventing illegal executions by the landlords by *ex parte* decrees obtained without the knowledge of the tenants by suppressing the facts and it is perhaps within the knowledge of my friend, Mr. Das, who is a lawyer how these things do happen in regard to other cases also not only with regard to rent cases. I accept the amendment.

**Mr. PRESIDENT:** The question before the House is that the following clause 11 be added:—

> "No distress warrant shall be issued under Chapter VIII of the Presidency Small Cause Courts Act, 1882 and no process under the Code of Civil Procedure, 1908, in execution of a decree passed *ex parte* thereunder, shall be issued, either for the attachment of property or for the recovery arrest of any tenant, in connection with the recovery of the rent of any premises situated in any area to which this Act may apply, unless the person applying for execution, when making his application, swears or affirms by affidavit or otherwise that none of the rent, in respect of which execution is applied for, is irrecoverable under this Act."

The question was put and a division taken with the following result:—

**AYES—32.**

| | |
|---|---|
| Mr. Abdulla-al-Mahmud. | Mr. Syed Badrudduja. |
| Mr. Nur Ahmed. | Rai Bahadur Dhirendra Lal Barua. |
| Mr. Sultanuddin Ahmed. | Mr. Reajuddin Bhuiya. |

Mr. L. P. S. Bourne.
Khan Bahadur Syed Abdur Rasid Choudhury.
Mr. Moazzem Hossain Choudhury.
Mr. Abdul Hamid Choudhury.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. C. E. Clarke.
Mr. E. D. Doyne.
Mrs. Labanyaprobha Dutta.
Khan Bahadur Shaikh Fazal Ellahi.
Mr. A. M. Shahoodul Haque.
Mr. G. J. K. Hook.
The Hon'ble Mr. Saiyed Muazzamuddin Hosain.
Mr. Latafat Hossain.
Mr. Mobarak Ali Khan.
Mr. Abdul Latiff.
Mr. George Morgan, C.I.E.
The Hon'ble Mr. Taraknath Mukerjea.
Mr. T. B. Nimmo.
Mr. Abdul Rashid.
Mr. Amulyadhone Roy.
Mr. Satish Chandra Sen.
Dr. Kasiruddin Talukdar.
Mr. Md. Taufiq.
Khan Sahib Maulvi Wahiduzzaman.
Haji Md. Yusuf.

NOES—10.

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maitra.
Mr. Bijoy Singh Nahar.
Rai Bahadur Jogendra Nath Ray.
Mr. Biren Roy.
Mr. Patiram Roy.
Mr. Birendra Kishore Roy Chowdhury.
Mr. Charu Chandra Sanyal.

Ayes being 32 and the Noes 10 the motion was agreed to:—

*Clause 12.*

**Mr. PRESIDENT:** Clause 12 stand part of the Bill.

**Mr. ABDUL RASHID:** Sir, I beg to move that for clause (*b*) of the proviso to sub-clause (*1*) of clause 12 of the Bill, the following be substituted, namely:—

"(*b*) where the tenant has, in the case where there is a contract the terms of which prevent him from subletting the premises without the consent of the landlord, sublet the premises in whole or in part without such consent unless such consent has been unreasonably withheld, or".

**Mr. PRESIDENT:** Amendment moved that for clause (*b*) of the proviso to sub-clause (*1*) of clause 12 of the Bill, the following be substituted, namely:—

"(*b*) where the tenant has, in the case where there is a contract the terms of which prevent him from subletting the premises without the consent of the landlord, sublet the premises in whole or in part without such consent unless such consent has been unreasonably withheld, or".

**Mr. BIREN ROY:** Sir, Mr. Rashid has not explained what he means by "unreasonably withheld". The question is that a tenant finding it inconvenient at any time may in order—for whatever reasons to oppress the landlord—here the question of landlord not oppressing the tenant comes in—sublet the place to another person whom he likes and derives a profit out of the transaction at the cost of the landlord. Mr. Rashid very conveniently puts in that there should not be any validity of even a written contract. I think he is ashamed now he has moved his amendment. (Mr. ABDUL RASHID: No.) Well, if anybody can explain the words "unreasonably withheld" we shall have no hesitation in accepting this amendment. But unless we are quite sure of what he actually means by this word "unreasonably" and then the word "withheld" I do not think any member should accept this amendment.

**Mr. MOHD. TAUFIQ:** Sir, I rise to support the amendment moved by Mr. Rashid. I will explain the word "unreasonably" which has been objected to. It is the custom in Calcutta that the landlord gives his house to a tenant and the tenant sub-lets it in parts but now-a-days due to the profiteering business whenever a landlord gets a chance he tries to oust

the tenant and himself lets it in parts. It is said that the tenant by sub-letting will reap the benefit out of it and why should he alone be benefited? It is not correct. Every sub-tenant has also got the right to approach the Controller and say that the original tenant is charging higher rent and the Controller can remedy it. So there is no question of the tenant or the landlord profiteering. The sub-tenant also can approach the Controller and say that the original tenant is charging undue rent. The question of oppressing the landlord does not arise. With these words I support the amendment.

**Mr. LALIT CHANDRA DAS:** I would oppose this amendment, Sir, as it implies that there is no sanctity in the contract. There is a contract entered into between the landlord and the tenant under the terms of which the tenant is prevented from sub-letting the premises without the consent of the landlord. Now that sanctity of the terms of such a contract is sought to be violated by this amendment indirectly, by an indirect attack on the contract, inasmuch as it is stated at the end of this amendment "sublet the premises in whole or in part without such consent unless such consent has been unreasonably withheld." The question of withholding consent reasonably or unreasonably cannot and does not arise when there is an express contract between the tenant and the landlord by the terms of which the tenant is prevented from sub-letting the premises. In this view of the matter, Sir, I oppose this amendment.

**Mr. C. E. CLARKE:** Sir, I rise to support this amendment. Many tenants are placed in very great difficulties due to the fact that they are unable to obtain the sanction of the superior landlords to sub-let and in consequence they may be in danger of losing possession of their premises. The main point on which we place our support is this that a landlord does unreasonably withhold this permission and the reason for doing so is quite often only too obvious and that is to get rid of the tenants who have been in possession for a long time so that he can quite possibly obtain very much larger rents from tenants who will not bring the matter to the notice of Government or to the Rent Controller. With these words, Sir, I support the amendment.

**Mr. BIJOY SINGH NAHAR:** Sir, I rise to oppose this amendment. What does the amendment mean? It means that the mover wants to create another class of people. There is already a class known as "tenants" and there is a class "landlords". The amendment that has been suggested by Mr. Abdul Rashid seeks to create another class of people as "middlemen" or a tenant having the status of a landlord by sub-letting the house. Why do you agree to create a new class, jute as there is the *jotedar* class among the landlords? You want to kill the *zamindary* system and also the *jotedar* class but here you want to create another class just as there is another class, namely, that of *jotedars* in the *zamindary* system. Why I oppose this amendment is this: we find that there may be in a flat three or four rooms, one bath-room and one kitchen, but if the flat is sub-let and divided, then what happens? It will surely happen that the new tenants will not get any proper kitchen and other things and they will go to the Rent Controller and say "Provide us with all these things" and then what will happen? The landlord will have to spend—for getting the same amount of money as rent—a huge sum and at the same time Government will not supply him with any pipes or cement or other building materials at controlled rates, and he will have to get all these in the black market,—of course I do not say that the Parliamentary Secretary does really want to help the black market—for the erection of these things but at the same time they do not release all these building materials, cement and pipes, etc., and they want a new class of men to be put in the position of landlords who will have to do all these things. Suppose a drain system could stand its use by 10 persons only and if a tenant with a membership of ten sub-lets the house to have a profit out of it to another person who has a family of ten

persons also, then the drainage will not work properly, and the tenants will get diseases of all sorts and still you want to help another class of people earning something by unfair means. I would not have mentioned all these things but I know that even responsible persons in the Controller's office—I will not name anybody here—but members of the select committee had discussed the matter and found that there are quite a large number of persons who are earning a huge lot out of this sub-letting business. The main purpose of the committee was to stop this. If a tenant does not for some reason want more than two rooms, let him leave the other rooms to the original landlord and let the landlord divide the premises and let it at the rate of rent which will be fixed by the Controller. But please do not allow this amendment to be carried. It would be doing injury to the public health of this city for maintaining all these things. If you allow another class of landlords to grow up in place of the original landlords that will create more trouble and confusion and I dare say men who have got means and influence will go to the Controller's office and get this and that done. We want the people to live in peace and happily. ("Hear, hear" from the European group) Sir, I hear the words "hear, hear" from the European benches. I may say that many of my European friends are in possession of rented houses and they are earning a huge lot of money by sub-letting, and because their interest is served by the passing of this amendment they are supporting it. By this amendment you will be creating a hell in the city of Calcutta which in respect of health is going from bad to worse.

**Mr. SATISH CHANDRA SEN:** I regret that I have to differ from my friends on this side of the House and to support the amendment. Sir, the present legislation is purely emergency legislation and not permanent legislation. My friends have raised the question of the sanctimony of the contract and that it will be violated if this piece of legislation is passed. But, Sir, what are we going to do in this particular legislation? Is it not violating the sanctity of contract for the purpose of protecting a class of people who on account of a dearth of houses is in great difficulties and therefore deserves such protection? Can we make any distinction between the case of a lessee and that of sub-lessee in this matter. Both are in difficulties for dearth of houses and require protection. If we accept this amendment protection for the purpose of which this legislation is going to be enacted, will also be extended to a deserving class. I think in case of emergency when people want such protection it must be given. With these words I support the amendment.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I do not quite follow the arguments of Mr. Nahar, because I do not see how this is going to lead to abuses which this Bill is trying to stop. I do not think there is any room for such abuses as ample provision has been made to stop such abuses and I do not consider that so much argument was necessary in support of this amendment. I support the amendment, and I hope the House will accept it.

**Mr. PRESIDENT:** The question before the House is that for clause (*b*) of the proviso to sub-clause (*1*) of clause 12 of the Bill, the following be substituted, namely:—

(*b*) where the tenant has, in the case where there is a contract the terms of which prevent him from subletting the premises without the consent of the landlord, sublet the premises in whole or in part without such consent unless such consent has been unreasonably withheld, or"

The motion was put and agreed to.

**Mr. PRESIDENT:** There are several amendments—amendments 59 to 72—which fall through because of the acceptance of this amendment.

**Mr. BIREN ROY:** Sir, I beg to move that in the proviso to sub-clause (*1*) of clause 12 of the Bill, the following be added at the end of paragraph (*c*), namely:—

"or has wilfully or negligently caused damages to the premises and refuses to repair such damages or".

Sir, it is a very simple amendment. Clause (*c*) reads as follows:—"Where the tenant has been guilty of conduct which is a nuisance or an annoyance to occupiers of adjoining or neighbouring premises", but Sir, the question is how he can be found guilty of the conduct or how he can be a nuisance. Even if he is found guilty in that way by the occupiers of the adjoining premises, there is nothing to prevent him to be a nuisance to the landlord or even to the building and in many cases it will be found that when damages are caused to the buildings by tenants they refuse to repair it and shoke the responsibility on to the landlord. Now, Sir, when this Bill will be in operation the Controller would have the power within 14 days to ask the landlord to repair such damages caused by the tenants. There is no provision to make an enquiry as to who caused the damage. There should be an enquiry and on enquiry if the tenant is found to have caused the damage he should be made liable for such repairs as would be necessary, and in case he refuses to repair such damages then that should come under what is termed guilty of conduct which is a nuisance or an annoyance to occupiers of adjoining or neighbouring premises, or has wilfully or negligently caused damages to the premises and refuses to repair such damages, or ".....This should be tak en as one of the reasons for the landlord to apply to the court for ejecting the particular tenant and for this reason I have put in this amendment. As explanatory to this I have put in amendment No. 100 which will give an idea as to how these damages can be assessed. Now, Sir, landlords have been found to be criminals and their only crime is that the let out buildings and it is the desire that they are to be penalised in every way, short of being sent to jail. They are therefore to be put to all sorts of troubles. This amendment at least removes one of those troubles of the landlords, namely, that of being hauled up for repairs at once or being made responsible for a heavy sum of money as penalty or even forced to pay exorbitant charges on account of repairs for damages caused by his tenant—to be fixed by the Controller. I think, Sir, this simple amendment will be accepted by the Hon'ble Minister in charge.

**Mr. PRESIDENT:** Amendment moved that in the proviso to sub-clause (*1*) of clause 12 of the Bill, the following be added at the end of paragraph (*c*), namely:—

"or has wilfully or negligently caused damages to the premises and refuses to repair such damages, or".

**Mr. LALIT CHANDRA DAS:** Sir, I rise to support the amendment moved by my friend, Mr. Roy. It is so very reasonable that I should think that even the opposing side which opposes everything that comes from this side should cease opposing this time. Here the tenant causing damage either wilfully or negligently should be asked to repair and it will be highly improper if that damage is to be repaired by the landlord.

**Mr. NUR AHMED:** On a point of order, Sir.....

(Mr. Clarke also rose to speak.)

**Mr. PRESIDENT:** Yes, Mr. Clarke.

**Khan Bahadur ABDUR RASHID CHOWDHURY:** Mr. Nur Ahmed has risen on a point of order, Sir. Is it a point of order, Mr. Nur Ahmed?

**Mr. NUR AHMED:** Yes, Sir. I beg to submit that this amendment is not in order. This amendment is in connection with paragraph (*b*) of proviso of sub-clause (*1*) which has been omitted.

**Mr. PRESIDENT:** We are dealing with (*c*). So, it is quite in order. Yes, Mr. Clarke.

**Mr. C. E. CLARKE:** Sir, I have great pleasure in supporting Mr. Biren Roy's amendment. It is a very useful amendment and I think he has argued his case extremely well. With these few words I do support the amendment that is now being made.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I think the amendment of Mr. Roy is unnecessary in view of the provision that is already there in 12(*1*)(*a*) "Provided that nothing in this sub-section shall apply:—

(*a*) Where the tenant has done any act contrary to the provisions of clause (*m*) and clause (*o*) or clause (*p*) of section 108 of the Transfer of Property Act, 1882....." This covers all the cases of damages, wilful or negligent. I think Mr. Roy will not be able to give one instance which is not covered by this Act. So I oppose the amendment.

**Mr. PRESIDENT:** The question before the House is that in the proviso to sub-clause (*1*) of clause 12 of the Bill, the following be added at the end of paragraph (*c*), namely:—

"or has wilfully or negligently caused damages to the premises and refuses to repair such damages or".

Question was put and a division called. (When the Division bell was ringing.)

**Mr. BIREN ROY:** On a point of order, Sir. Is it in order for him, I mean Mr. Sen, to come and sit with us but vote against us? The Government Benches are on that side; we are in Opposition. He is crossing the floor several times.

**Mr. PRESIDENT:** That is all right.

A division was taken with the following result:—

**AYES—12.**

Mr. C. E. Clarke.
Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. E. D. Doyne.
Mr. G. J. K. Hook.
Rai Bahadur Brojendra Mohan Maitra.
Mr. George Morgan, C.I.E.
Mr. Bijoy Singh Nahar.
Mr. T. B. Nimmo.
Mr. Biren Roy.
Mr. Patiram Roy.
Mr. Charu Chandra Sanyal.

**NOES—24.**

Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dhirendra Lal Barua.
Mr. Reajuddin Bhuiya.
Khan Bahadur Syed Abdur Rasid Choudhury.
Mr. Moazzem Hossain Chaudhury.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mrs. Labanyaprobha Dutta.
Khan Bahadur Sheikh Fazal Ellahi.
The Hon'ble Mr. Abdul Gofran.
Khan Bahadur A. M. Shahoodul Haque.
The Hon'ble Mr. Saiyed Muazzamuddin Hosain.
Mr. Latafat Hossain.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latiff.
The Hon'ble Mr. Tarak Nath Mukerjea.
Mr. Abdul Rashid.
Mr. Amulyadhone Roy.
Mr. Satish Chandra Sen.
Dr. Kasiruddin Talukdar.
Mr. Md. Taufiq.
Khan Sahib Maulvi Wahiduzzaman.
Haji Md. Yusuf.

Ayes being 12 and Noes 24 the motion was lost.

**Mr. NUR AHMED:** I beg to move that for clause 13 of the Bill, the following.....

(At this stage Mr. Abdul Rashid went to Mr. Nur Ahmed and spoke something to him.)

**Mr. BIREN ROY:** On a point of order, Sir. Is it in order for Mr. Rashid to go over to Mr. Nur Ahmed and make suggestions?

**Mr. PRESIDENT:** He is a member of his own party and there is nothing wrong in making suggestions to him. I do not see any objection to it.

*Clause 13.*

**Mr. NUR AHMED:** I beg to move that for clause 13 of the Bill, the following be substituted as clauses 13, 14 and 15, namely:—

13. *Suit or proceeding for eviction not to be instituted and possession of premises not to be recovered without previous permission of the Controller in certain cases.*—(*1*) No suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom in which any of the grounds specified in clause (*d*) of the proviso to sub-section (*1*) of section 12 has been taken as a ground for such eviction shall be entertained by any Court unless the landlord has been permitted by the Controller by an order in writing under sub-section (*3*) to institute such suit or proceeding and has produced before such Court proof that such permission has been granted. [*Cf.* The Calcutta House Rent Control Order, 1943, paragraph 9A and the Bengal House Rent Control Order, 1942, paragraph 10A.]

(*2*) If in any suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom, a decree or order for the recovery of possession of such premises has been made before the date of commencement of this Act on any of the grounds specified in clause (*c*) of the proviso to sub-paragraph (*1*) of paragraph 9 of the Calcutta House Rent Control Order, 1943, or in clause (*c*) of the proviso to sub-paragraph (*1*) of paragraph 10 of the Bengal House Rent Control Order, 1942, but the possession of such premises has not been recovered from the tenant, the execution of such decree or order shall be stayed until the landlord produces before the Court by which such decree or order may be executed or in which such execution is pending, as the case may be, proof that he was permitted by the Controller appointed under the Calcutta House Rent Control Order, 1943, or the Bengal House Rent Control Order, 1942, as the case may be, to institute such suit or proceeding or to prosecute such suit or proceeding or to recover possession of such premises by the execution of such decree or order or that he has been permitted by the Controller by an order in writing under sub-section (*3*) to recover possession of such premises by the execution of such decree or order.

(*3*) A landlord who desires to obtain from the Controller,—

(*a*) any order referred to in sub-section (*1*) permitting him to institute a suit or proceeding referred to in that sub-section against a tenant in possession of any premises for evicting such tenant therefrom, or

(*b*) any order referred to in sub-section (*2*) permitting him to recover possession of the premises in respect of which any decree or order referred to in the said sub-section has been made by the execution of such decree or order,

shall apply in writing to the Controller in that behalf, and if, on receipt of such application, the Controller, after giving the tenant in possession of the premises an opportunity for showing cause against the application and after considering all the circumstances of the case, is satisfied,—

(*i*) in the case referred to in clause (*a*) that there is sufficient cause to hold that any of the grounds specified in clause (*d*) of the proviso to sub-section (*1*) of section 12 which has been taken by the landlord as a ground for eviction of the tenant in such suit or proceeding exists, and

(*ii*) in the case referred to in clause (*b*) that it is a fit case for the landlord to recover possession of the premises by execution of the decree or order referred to in that clause on any of the grounds referred to therein on which such decree or order has been made,

the Controller shall, after recording his reasons in writing, make the order applied for, and, if the Controller is not so satisfied, he shall, also after recording his reasons in writing, make an order rejecting the application.

(*4*) The Controller may, before making under sub-section (*3*) any order referred to in sub-section (*2*) permitting a landlord to recover possession of any premises by the execution of a decree or order, allow such time as he considers necessary to the tenant to vacate the premises and to deliver possession thereof to the landlord.

14. *Suit or proceeding for eviction for non-compliance with the provisions of the Act as to payment of rent.*—(*1*) No suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom, in which non-compliance with the provisions of this Act as to the payment or deposit of rent due by such tenant in respect of such premises to the full extent allowable by this Act within the time specified in that behalf in this Act has been taken as a ground for such eviction, shall be entertained by any Court unless the landlord has been permitted by the Controller by an order in writing under sub-section (*2*) to institute such suit or proceeding and has produced before such Court proof that such permission has been granted. [*Cf.* The Calcutta House Rent Control Order, 1943, paragraph 9B and the Bengal House Rent Control Order, 1942, paragraph 10A.]

(*2*) A landlord desiring to obtain from the Controller any order referred to in sub-section (*1*) permitting him to institute a suit or proceeding referred to in that sub-section against any tenant in possession of any premises for evicting such tenant therefrom shall apply in writing to the Controller in that behalf, and if, on receipt of such application, the Controller, after giving the tenant in possession of the premises an opportunity of showing cause against the application and considering all the circumstances of the case, is satisfied that there has been no such non-compliance with the provisions of this Act as to the payment or deposit of rent due by such tenant in respect of such premises, or that reasonable grounds exist for such non-compliance, and if the tenant has paid to the landlord or has deposited in the manner in which a deposit of rent is required to be made under sub-section (*1*) of section 16 the rent allowable by this Act in arrear before an order under this sub-section is made, the Controller shall, after recording his reasons in writing, make an order rejecting the application, but, if the Controller is not so satisfied or if the tenant has not so paid or deposited the rent allowable by this Act in arrear, the Controller shall, also after recording his reasons in writing, make the order applied for.

15. *Stay of suit and proceeding for eviction of a tenant pending appeal against order permitting landlord to institute or prosecute such suit or proceeding.*—Where any appeal has been presented under section 24 against an order of the Controller under sub-section (*3*) of section 13 or under sub-section (*2*) of section 14 permitting a landlord to institute a suit or proceeding in any Court or against an order of the Controller under sub-section (*3*) of section 13 permitting a landlord to recover possession of any premises by the execution of a decree or order, all proceedings in connection with such suit or proceeding or the execution of such decree or order, shall be stayed during the period such appeal is pending on intimation of such appeal being given to the Court in which such suit or proceeding has been instituted or such suit or proceeding or the execution of such decree or order is pending, as the case may be, by the person by whom such appeal has been presented. [*Cf.* The Calcutta House Rent Control Order, 1943, paragraph 9D.]

Sir, by this amendment I want to restore the clauses which were in the original bill. These three clauses have been omitted by the Select Committee and a new clause has been substituted by the Select Committee to cover all these three clauses. These clauses, particularly 13 and 14 relate to the procedure as to how to get permission from the Controller and I think that was a very easy and less costly procedure, advantageous and convenient to the landlord and also to the tenant and it was less costly at the same time. Now the procedure which has been provided in the bill by the Select Committee will prove very costly and very much harassing and obstructive to the tenant.

**Mr. BIREN ROY:** On a point of order, Sir. The question is that there are many amendments to clause 13 and Mr. Ahmed is putting in clauses 13, 14 and 15 all together in one amendment. Is this in order, Sir? He can put in 13 first and carry on with it.

**Mr. PRESIDENT:** I think that is quite in order. He can move his own amendment and if his amendment is carried the other amendments will fall through.

**Mr. BIJOY SINGH NAHAR:** We have taken up clause 13 and not clauses 14 and 15.

**Mr. PRESIDENT:** Mr. Nur Ahmed is not moving amendments to bill clauses 14 and 15. He has moved an amendment to bill clause 13 only, to replace it by his suggested clauses 13, 14 and 15. He has simply said that such and such be substituted for bill clause 13. Yes, Mr. Nur Ahmed.

**Mr. NUR AHMED:** As I was saying Sir, this will be advantageous both for the tenant and also for the landlord and my amendment seeks to simplify the procedure and to provide safeguards for the tenant. So I commend my amendment for the acceptance of the House.

**Mr. PRESIDENT:** Order, order. Amendment moved that for clause 13.....

**The Hon'ble Mr. FAZLUR RAHMAN:** I would request Mr. Nur Ahmed to withdraw his amendment in view of the Government being prepared to accept the amendments to be moved by Mr. Clarke on this clause.

**Mr. NUR AHMED:** In view of the statement made by the Hon'ble Minister I beg leave of the House to withdraw this amendment.

**Mr. PRESIDENT:** In any case I have got to place it before the House. Now the house is in seizin of the amendment. Mr. Nur Ahmed has moved it.

Amendment moved that for clause 13 of the Bill, the following be substituted as clauses 13, 14 and 15, namely:—

13. *Suit or proceeding for eviction not to be instituted and possession of premises not to be recovered without previous permission of the Controller in certain cases.*—(*1*) No suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom in which any of the grounds specified in clause (*d*) of the proviso to sub-section (*1*) of section 12 has been taken as a ground for such eviction shall be entertained by any Court unless the landlord has been permitted by the Controller by an order in writing under sub-section (*3*) to institute such suit or proceeding and has produced before such Court proof that such permission has been granted. [*Cf.* The Calcutta House Rent Control Order, 1943, paragraph 9A and the Bengal House Rent Control Order, 1942, paragraph 10A.]

(*2*) If in any suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom, a decree or order for the recovery of possession of such premises has been made before the date of commencement of this Act on any of the grounds specified

in clause (*c*) of the proviso to sub-paragrpah (*1*) of paragraph 9 of the Calcutta House Rent Control Order, 1943, or in clause (*c*) of the proviso to sub-paragraph (*1*) of paragraph 10 of the Bengal House Rent Control Order, 1942, but the possession of such premises has not been recovered from the tenant, the execution of such decree or order shall be stayed until the landlord produces before the Court by which such decree or order may be executed or in which such execution is pending, as the case may be, proof that he was permitted by the Controller appointed under the Calcutta House Rent Control Order, 1943, or the Bengal House Rent Control Order, 1942, as the case may be, to institute such suit or proceeding or to prosecute such suit or proceeding or to recover possession of such premises by the execution of such decree or order or that he has been permitted by the Controller by an order in writing under sub-section (*3*) to recover possession of such premises by the execution of such decree or order.

(*3*) A landlord who desires to obtain from the Controller,—

(*a*) any order referred to in sub-section (*1*) permitting him to institute a suit or proceeding referred to in that sub-section against a tenant in possession of any premises for evicting such tenant therefrom, or

(*b*) any order referred to in sub-section (*2*) permitting him to recover possession of the premises in respect of which any decree or order referred to in the said sub-section has been made by the execution of such decree or order,

shall apply in writing to the Controller in that behalf, and if, on receipt of such application, the Controller, after giving the tenant in possession of the premises an opportunity for showing cause against the application and after considering all the circumstances of the case, is satisfied,—

(*i*) in the case referred to in clause (*a*) that there is sufficient cause to hold that any of the grounds specified in clause (*d*) of the proviso to sub-section (*1*) of section 12 which has been taken by the landlord as a ground for eviction of the tenant in such suit or proceeding exists, and

(*ii*) in the case referred to in clause (*b*) that it is a fit case for the landlord to recover possession of the premises by execution of the decree or order referred to in that clause on any of the grounds referred to therein on which such decree or order has been made,

the Controller shall, after recording his reasons in writing, make the order applied for, and, if the Controller is not so satisfied, he shall also after recording his reasons in writing, make an order rejecting the application.

(*4*) The Controller may, before making under sub-section (*3*) any order referred to in sub-section (*2*) permitting a landlord to recover possession of any premises by the execution of a decree or order, allow such time as he considers necessary to the tenant to vacate the premises and to deliver possession thereof to the landlord.

14. *Suit or proceeding for eviction for non-compliance with the provisions of the Act as to payment of rent.*—(*1*) No suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom, in which non-compliance with the provisions of this Act as to the payment or deposit of rent due by such tenant in respect of such premises to the full extent allowable by this Act within the time specified in that behalf in this Act has been taken as a ground for such eviction, shall be entertained by any Court unless the landlord has been permitted by the Controller by an order in writing under sub-section (*2*) to institute such suit or proceeding and has produced before such Court proof that such permission has been granted. [*Cf.* The Calcutta House Rent Control Order, 1943, paragraph 9B and the Bengal House Rent Control Order, 1942, paragraph 10AA.]

(2) A landlord desiring to obtain from the Controller any order referred to in sub-section (1) permitting him to institute a suit or proceeding referred to in that sub-section against any tenant in possession of any premises for evicting such tenant therefrom shall apply in writing to the Controller in that behalf, and if, on receipt of such application, the Controller, after giving the tenant in possession of the premises an opportunity of showing cause against the application and considering all the circumstances of the case, is satisfied that there has been no such non-compliance with the provisions of this Act as to the payment or deposit of rent due by such tenant in respect of such premises, or that reasonable grounds exist for such non-compliance, and if the tenant has paid to the landlord or has deposited in the manner in which a deposit of rent is required to be made under sub-section (1) of section 16 the rent allowable by this Act in arrear before an order under this sub-section is made, the Controller shall, after recording his reasons in writing, make an order rejecting the application, but, if the Controller is not so satisfied or if the tenant has not so paid or deposited the rent allowable by this Act in arrear, the Controller shall, also after recording his reasons in writing, make the order applied for.

15. *Stay of suit and proceeding for eviction of a tenant pending appeal against order permitting landlord to institute or prosecute such suit or proceeding.*—Where any appeal has been presented under section 24 against an order of the Controller under sub-section (3) of section 13 or under sub-section (2) of section 14 permitting a landlord to institute a suit or proceeding in any Court or against an order of the Controller under sub-section (3) of section 13 permitting a landlord to recover possession of any premises by the execution of a decree or order, all proceedings in connection with such suit or proceeding or the execution of such decree or order, shall be stayed during the period such appeal is pending on intimation of such appeal being given to the Court in which such suit or proceeding has been instituted or such suit or proceeding or the execution of such decree or order is pending, as the case may be, by the person by whom such appeal has been presented. [*Cf.* The Calcutta House Rent Control Order, 1943, paragraph 9D.]

**Mr. PRESIDENT:** Is it the pleasure of the House to grant leave to Mr. Nur Ahmed to withdraw his amendment?

**Mr. LALIT CHANDRA DAS and Mr. BIREN ROY:** No, Sir.

**Mr. PRESIDENT:** It has been objected to. So it will be put to the vote.

**The Hon'ble Mr. FAZLUR RAHMAN:** Yes, Sir, it may be put to the vote and Government will have to vote against it.

**Mr. PRESIDENT:** To save the time of the House I need not read the amendment again.

The question before the House is the amendment No. 79A of Mr. Nur Ahmed.

The motion was put and lost.

**Mr. LALIT CHANDRA DAS:** Mr. Nur Ahmed your amendment is lost. Come over to our side.

**Mr. PRESIDENT:** I think we better stop here today. The House stands adjourned till 2-15 p.m. tomorrow.

## Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 26th February, 1947.

**Members absent.**

The following members were absent from the meeting held on the 25th February, 1947:—

(1) Mr. Yusuf Ali Chowdhury,
(2) Mr. Kamini Kumar Dutta,
(3) Mr. Mungturam Jaipuria,
(4) Mr. Humayun Z. A. Kabir,
(5) Mr. Mobarak Ali Khan,
(6) Mr. Syed Abdul Majid,
(7) Mr. Nagendra Nath Mahalanobish,
(8) Khan Bahadur Ghyasuddin Pathan,
(9) Khan Bahadur Mukhlesur Rahman,
(10) Mr. Biswanath Roy, and
(11) Miss Ethal Robertson, C.S.P.

WBGP-4718-3484A-790

# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947—No. 11.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 26th February, 1947 at 2-15 p.m. being the eleventh day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

### Programme of Business.

**Mr. ABDULLA-AL-MAHMUD:** Sir, may I draw your attention to the programme of business that we have received up to now which shows that there will be business on the 3rd and 4th March and the House will adjourn and then again meet on the 10th March. I think members on both sides of the House are of the opinion that it will be convenient if the House does not sit on the 3rd and 4th so that members who come from mofussil will not be required to come again on 3rd and 4th and then again go and again come back on the 10th March. I would request you to give us this recess.

**Mr. PRESIDENT:** Mr. Abdulla-al-Mahmud, my attention was drawn to this request yesterday but I regret to say that I did not agree with your views and my reasons are these: We shall start the general discussion of the Budget from the 27th and there will be General Discussion of the Budget on the 28th also and then we adjourn and take up the general discussion of the Budget again on the 3rd and 4th March, that is on Monday and Tuesday next. Now, it is very necessary that the Budget Discussion should be continuous as far as possible. It is a privilege of this House to discuss the Budget. This House has no right to vote on the demand for grants and it is assumed that Government will take decision on the Budget in the light of discussion of the Budget here. I believe that the voting on the demand for grants in the other place will start on the 12th March. So, if we postpone the general discussion of the Budget till 10th March we shall hardly give Government chance to consider the opinion expressed on the Budget in this House. (Mr. BIREN ROY: Do they ever take into consideration our views on the Budget Discussion?) (Mr. HARIDAS MAZUMDAR: That is a farce of a debate and therefore the general discussion of the Budget can be postponed.) Well, it is entirely for the House to decide that. I am just drawing your attention to the fact that it is a privilege of the House to discuss the Budget and my advice to the House would be to take the matter seriously, namely, the General Discussion of the Budget.

**Mr. HARIDAS MAZUMDAR:** We do not take the discussion seriously at all.

**Mr. PRESIDENT:** You should, Mr. Mazumdar.

**Mr. HARIDAS MAZUMDAR:** That is your opinion, Sir, and we may have our own opinion.

**Mr. PRESIDENT:** However, I would suggest that the general discussion of the Budget should be continuous. If you postpone the discussion after 28th and then take up discussion on the 10th March then there

will be a big gap, a gap of one week and the Hon'ble the Finance Minister will not get sufficient time to base his reply in the other House in the light of the discussion here.

**Mr. ABDULLA-AL-MAHMUD:** There will be time sufficient for the Hon'ble Minister to embody our views on the Budget in the course of his reply to the other House.

**Mr. PRESIDENT:** Well, it is not for me to press my views on you. I am entirely in the hands of the House. It is for you to say what you want at the same time it is my duty to advise that the House should take the General Discussion of the Budget very seriously and it is your privilege to criticise the Budget in a manner which would enable the Government to shape their policy in the light of the discussion that takes place here. Personally, my opinion is quite contrary to the suggestion. May I hear Mr. Lalit Chandra Das's views in this matter?

**Mr. LALIT CHANDRA DAS:** Sir, I have consulted the members of my party and they have no objection to postpone the discussion of the Budget.

**Mr. PRESIDENT:** There is no question of objection.

**Mr. LALIT CHANDRA DAS:** Inasmuch as they are anxious to have holidays we do not stand in their way.

**Mr. PRESIDENT:** It is the privilege of the Opposition to take part in the discussion of the Budget.

**Mr. LALIT CHANDRA DAS:** Tomorrow and the day after we are to discuss the Budget and these days are not affected. The Government party is anxious to have holidays only on the next two allotted days, namely, the 3rd and 4th March. To this we can possibly have no objection.

**Mr. HARIDAS MAZUMDAR:** I also agree with the views of Mr. Lalit Chandra Das.

**Mr. G. MORGAN:** I object to the proposal before the House. Perhaps it is one way of postponing discussion on the Budget on the second two allotted days. I don't know if this postponement is to prove that discussion by this House is a "farce" as remarked by an honourable member.

**The Hon'ble Mr. MOHAMMED ALI:** We shall have no objection to whatever is the desire of the House as a whole. If it would be convenient to the majority of members to have the Budget discussion postponed after the first two days debate tomorrow and the day after, Government can possibly have no objection. I agree with the views you hold and expressed, that it would be desirable from the point of view of the importance of the House to have the discussion, continuously for some days, but, for the convenience of the members if a postponement is desired we won't object.

**Mr. HARIDAS MAZUMDAR:** What about the Accounts Committee? We have not heard anything since about the constitution of the Accounts Committee with this House represented on it?

**Mr. PRESIDENT:** At present that is not before the House, Mr. Mazumdar. If it is the desire of the House that the Budget discussion should be postponed by ten days it is for the Government to alter the dates accordingly.

**Mr. ABDUL RASHID:** On the 27th and 28th of this month, namely, tomorrow and the day after, we are having the discussion. It is only in respect of the last two days we want a slight postponement.

## QUESTIONS AND ANSWERS.

### Board of Agriculture, Veterinary and Animal Husbandry.

61. **Mr. C. MORGAN:** (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state if he is aware—

(*i*) that the term of office of the Board of Agriculture, Veterinary and Animal Husbandry expired in August, 1946; and

(*ii*) that the Board has not yet been reconstituted?

(*b*) Is it proposed to reconstitute the Board of Agriculture, Veterinary and Animal Husbandry?

(*c*) If so, when?

(*d*) If not, why not?

**Mr. ABDUR RASHID, Parliamentary Secretary (on behalf of the Minister in charge of the Department of Agriculture, Forests and Fisheries):** (*a*)(*i*) Yes.

(*ii*) The Board has just been reconstituted as the Board of Agriculture and Fisheries with three wings, Agriculture, Veterinary and Fisheries.

(*b*) to (*d*) Do not arise.

**Mr. HARIDAS MAZUMDAR:** Will the Parliamentary Secretary let the House know what are the names of the members of the Board of Agriculture already constituted?

**Mr. ABDUL RASHID:** I cannot tell you that offhand. I have not got the list with me.

**Mr. BIREN ROY:** Will the Parliamentary Secretary be pleased to state that the Board of Veterinary which expired in August, 1946 and since reconstituted cannot find a place to sit and cannot even house their office and is advertising for a place for the last one year and is it a fact that no landlord is going to give a house to house this office on account of the rigours of the Rent Control Order?

**Mr. ABDUL RASHID:** I have got no such information.

### Bengal State-Aid to Industries Amendment Bill.

62. **Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Department of Commerce, Labour and Industries be pleased to state whether it is a fact that a comprehensive Bengal State-Aid to Industries Amendment Bill was drafted by the last Ministry and even notice was given for its introduction in the Bengal Legislative Council?

(*b*) Do the Government of Bengal propose to introduce a comprehensive Amending Bill as promised by the last Ministry?

(*c*) If so, when?

**MINISTER in charge of the DEPARTMENT of COMMERCE, LABOUR and INDUSTRIES (the Hon'ble Mr. Shamsuddin Ahmed):** (*a*) and (*b*) Yes.

(*c*) In the next Session.

### The Calcutta Rent Bill, 1946.

**Mr. HARIDAS MAZUMDAR:** What about a statement from the Hon'ble Minister, Sir, in the matter of the tramway workers strike that is going on still?

**Mr. PRESIDENT:** I cannot allow you to put a short-notice question as I must now pass on to the Calcutta Rent Bill.

**Mr. HARIDAS MAZUMDAR:** The Finance Minister is fortunately here and he may assure us when he is coming forward with such a statement.

**Mr. PRESIDENT:** It is for him to say whether he is prepared to assure you or not. Let us now take up the amendments that were postponed on sub-clause (*5*) of clause 2.

*Clause 2.*

**Mr. PRESIDENT:** As regards amendment No. 12 I do not think it arises in view of the fact that Nos. 10 and 11 were lost. Similar is the case with regard to No. 13. No. 14 therefore may be moved. Rai Bahadur Jogendra Chandra Ray.

**Rai Bahadur JOGENDRA CHANDRA RAY:** Sir, I beg to move that in sub-clause (*5*) of clause 2 of the Bill, after the words "lodging house" in line 11, the words "let on daily or weekly rent basis" be inserted.

Sir, there are two kinds of boarders, some permanent and others casual. Casual visitors visit the city for purposes of business, for purposes of pleasure or for temporary halt *en route* to their destination. If a hostel is to serve the primary purpose of accommodating casual visitors the number of permanent visitors should not be allowed to be increased beyond a certain proportion; otherwise it will be very difficult for casual visitors to find accommodation. If this amendment is not accepted, it will give encouragement to boarders to get into a hotel ostensibly for temporary accommodation and then take advantage of the Act and stick on to the inconvenience of genuine visitors. I therefore commend my amendment to the acceptance of the House.

**Mr. PRESIDENT:** Amendment moved that in sub-clause (*5*) of clause 2 of the Bill, after the words "lodging house" in line 11, the words "let on daily or weekly rent basis" be inserted.

**Mr. BIREN ROY:** Sir, I rise in support of this amendment which is a very reasonable one and I think the Hon'ble Minister will find his way to accept it, because of the fact that, otherwise, as the Bill is being framed, landlords will try to take advantage of this by going into hotels and boarding houses and lodging houses and occupying all the rooms there, because that is the only way whereby they can have a place where to lay their hands. But if this is done on a weekly basis, that may be stopped.

**Mr. LALIT CHANDRA DAS:** Sir, I rise to support the amendment. In the Delhi legislation on this subject a similar provision with regard to the hotels has been found. In fact, unless these words are inserted, those who come and would like to stay in hotels will find it difficult for want of accommodation if all the seats in hotels, etc., are occupied by permanent boarders, and the very purpose of hotels will be frustrated thereby.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I oppose the amendment. I do not see any reason why the rooms let on a monthly basis should be excluded from the operation of the Bill.

**Mr. PRESIDENT:** The question before the House is that in sub-clause (*5*) of clause 2 of the Bill, after the words "lodging house" in line 11, the words "let on daily or weekly rent basis" be inserted.

The motion was put and a division taken with the following result:—

**AYES—13.**

**Mr. Lalit Chandra Das.**
**Mr. Hemendra Kumar Das.**
**Mr. Bankim Chandra Dutta.**
**Mr. Satish Chandra Jana.**
**Rai Bahadur Brojendra Mohan Maitra.**
**Mr. Nagendra Nath Mohalanabish.**
**Mr. Bejoy Singh Nahar.**
**Rai Bahadur Jogendra Nath Ray.**
**Mr. Biren Roy.**
**Mr. Patiram Roy.**
**Mr. Birendra Kishore Roy Chowdhury.**
**Mr. Charu Chandra Sanyal.**
**Mr. Satish Chandra Sen.**

NOES—24.

Mr. Abdulla-al-Mahmud.
Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dhirendra Lal Barua.
Mr. Reajuddin Bhuiya.
Mr. L. P. S. Bourne.
Mr. Moazzem Hussain Chowdhury.
Mr. Abdul Hamid Chowdhury.
Mr. C. E. Clarke.
Mr. D. J. Cohen.
Mr. E. D. Deyne.
Mrs. Labanyaprova Dutta.
Khan Bahadur A. M. Shahoodul Haque.
Mr. G. J. K. Heck.
The Hon'ble Mr. Sahyed Muazzamuddin Husain.
Mr. Latafat Hossain.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latif.
Mr. George Morgan.
Mr. Tarak Nath Mukerji.
Mr. T. B. Nimmo.
Mr. Abdur Rashid.
Miss Ethel Robertson.
Maulvi Wahiduzzaman.

Ayes being 13 and Noes 24 the motion was lost.

**Mr. C. E. CLARKE:** Sir, I beg to move that in sub-clause (*5*) of clause 2 of the Bill, after the words "lodging house" in line 11, the words "let for a period of not less than one month" be inserted.

Sir, this clause as it now reads is likely to prove unfair and disadvantageous to travellers in transit and in inserting this amendment we seek to be more precise and definite in regard to the definition of "premises". With these words, Sir, I commend my amendment for the acceptance of the House.

**Mr. PRESIDENT:** Amendment moved that in sub-clause (*5*) of clause 2 of the Bill, after the words "lodging house" in line 11, the words "let for a period of not less than one month" be inserted. (The Hon'ble Mr. Fazlur Rahman was saying something to the President.)

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, does this amendment arise in view of the decision of the House on the previous amendment?

**Mr. LALIT CHANDRA DAS:** We cannot follow what he is saying.

**Mr. PRESIDENT:** The Minister was trying to point out whether in view of the decision given by the House on the previous amendment of Rai Bahadur Jogendra Nath Ray, this amendment arises. That is the question; is it not?

**The Hon'ble Mr. FAZLUR RAHMAN:** Yes, Sir.

**Mr. PRESIDENT:** It is a thing in which there may be differences of opinion. I cannot disallow it.

**Mr. LALIT CHANDRA DAS:** I support this amendment of Mr. Clarke. But I fail to understand the logic why these gentlemen, the Europeans, went over to the other block while the House was voting on the previous amendment. Possibly, Sir, he wanted to have the honour seeing his own amendment carried. Well, we will give him our unstinted support to this; we do not grudge it. But still I would like to know from him whether these words "let for a period of not less than one month" which he wants to be inserted by his amendment, qualify the word "lodging house" only or they also apply to "hotel, and boarding house". Assuming that his intention is that these words should qualify all the three namely "hotel, boarding house and lodging house", I have no hesitation in supporting him. At least by virtue of this amendment travellers from outside may have an opportunity of getting some accommodation in a hotel. With these words I support him.

**Mr. NAGENDRA NATH MAHALANOBISH:** Sir, I should like to support this amendment though the other amendment, No. 14, has been lost, as whatever we get in the form of some advantage over the official view we should welcome it. The point here is whether anybody getting into a boarding house for an hour or two is entitled to claim protection from eviction. I submit, Sir, that the law as proposed in this Bill would be so very

harsh and so very unreasonable that no sensible legislator should proceed on the terms which have been adopted in the final Bill. Therefore, though you may not restrict it to a weekly or daily basis, but at least those who remain at a hotel for a period not less than one month should have the protection. Something is better than nothing.

Now, Sir, what is the object of this protection? The object is that persons who are at a hotel or a boarding house with the consent of the owners of the establishments for a period of at least one month, they and they only should have protection because, obviously, they came to the boarding house for some business or purpose which would require them stay there for at least a month or more. If so, it would be unreasonable for owners of hotels or lodging houses to ask them to pay any amount at their pleasure. It is in order to prevent that position that Mr. Clarke has very wisely brought forward this amendment and I submit it is a very very reasonable amendment and it should be accepted by the House and the Government; otherwise it would be extremely difficult to find any room in any boarding or lodging house.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I feel that there is some misapprehension in the minds both of the mover of the amendment and of the honourable member who spoke last. The question of eviction does not arise at all. Those who take a tenancy on a weekly, or daily basis or for ten days or a period like that, at the end of that period, their tenancy is terminated and therefore no question of eviction under clause 12 arises. Accordingly, this ground should not be put forward by honourable members.

As regards the question of rent, that a hotel or a lodging house should charge as he likes, a person who is in need of accommodation. Take the case of a patient, who comes to Calcutta for treatment for two or three days. Now the hotel owner finding him in a helpless condition would like to charge him very high rates. Should this House allow the hotel-owner to do so? It will be simply allowing the hotel-owner or owner of lodging houses to exploit the necessity of the people. I pointed out on a previous occasion that necessity of persons should not be allowed to be exploited, and that is the main object of this Bill. Because there is not sufficient accommodation there has been felt this necessity for a Rent Control Bill. If you really go into the spirit of the Bill, then I believe the House will agree with me that this amendment should not be pressed. In this view I would appeal to the honourable mover not to press his amendment.

**Mr. PRESIDENT:** The question before the House is that in sub-clause (5) of clause 2 of the Bill, after the words "lodging house" in line 11, the words "let for a period of not less than one month" be inserted.

The question was put and a division taken with the following result:—

**AYES—19.**

Mr. L. P. S. Bourne.
Mr. C. E. Clarke.
Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Bankim Chandra Datta.
Mr. E. D. Doyne.
Mr. G. J. K. Hook.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohon Maitra.
Mr. Nagendra Nath Mahalanobish.
Mr. George Morgan.
Mr. Bejoy Singh Nahar.
Mr. T. B. Nimmo.
Rai Bahadur Jogendra Nath Ray.
Mr. Biren Roy.
Mr. Patiram Roy.
Mr. Birendra Kishore Roy Chowdhury.
Mr. Charu Chandra Sanyal.
Mr. Satish Chandra Sen.

**NOES—20.**

Mr. Abdulla-al-Mahmud.
Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dhirendra Lal Barua.
Mr. Reajuddin Bhuiya.
Mr. Moazzem Hussain Chowdhury.
Mr. Abdul Hamid Chowdhury.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mrs. Labanyaprova Dutta.

Khan Bahadur A. M. Shahoodul Haque.
The Hon'ble Mr. Saiyed Muazzamuddin Hosain.
Mr. Latafat Hossain.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latiff.
Mr. Tarak Nath Mukerjea.
Mr. Abdur Rashid.
Dr. Kasiruddin Talukdar.
Mr. Md. Taufiq.
Khan Sahib Maulvi Wahiduzzaman.

Ayes being 19 and the Noes 20 the motion was lost.

**Mr. NAGENDRA NATH MAHALANOBISH:** Sir, I beg to move that in sub-clause (*5*) of clause 2 of the Bill, the words "at variable rents at different seasons of the year" be deleted.

Sir, it appears that the draftsman of this Bill has actually omitted to include the stalls in a market as defined in clause (*39*) of section 3 of the Calcutta Municipal Act, 1923, but then he has qualified it by the words "at variable rents at different seasons of the year". It is extremely difficult at least for me to understand what difference does it make whether a stall is let out on a certain rent or at some tolls, fixed or variable. All stalls are stalls and whether the rent will vary or not will depend upon the seasons, the demand and various other circumstances which have got nothing to do with the principle of control of rent. As we all know, these stalls are very often abandoned, have to be frequently improved, altered and there are several other factors which go to make the stalls entirely different from any room or any house that is let out from day to day or from month to month or from year to year. The point is that if you really want to exclude stalls why do you qualify some like this "at variable rents at different seasons of the year" and exclude them only? I submit, Sir, that "stalls" ought to be excluded altogether without qualifying it in any way whatsoever and I will be very anxious to hear the Hon'ble Minister on this point as to what particular interest is there to have the stalls qualified in a way in which it has been sought to be done in this definition, for the purpose of excluding those stalls only. As honourable members will readily perceive, there has never been any case with regard to these stalls—at least I have not come across any case and I believe it will be the experience of other honourable members; there has never been any complaint with regard to exaction by the market owners or others with regard to these stalls. They are carrying on business in the market and there is really no guarantee that they would really attend every market on every day or that they would stick to a particular stall for all time to come. These are in the nature of temporary occupations and they settle between themselves and the market-owners what their rents should be. I therefore submit, Sir, that it has been very unwise to qualify the stalls by these words "at variable rents at different seasons of the year". Now supposing you have got "at variable rents" without having that qualification "at different seasons of the year" you can conceive easily that the rent is variable but that does not necessarily vary with the seasons; it varies with other circumstances. But here stalls "at variable rents at different seasons of the year" they will alone be excluded. So I submit, Sir, that these qualifications ought to be removed and the clause ought to read like this "* * *, but does not include a stall let for the retail sale of goods, etc.". That would be reasonable and that ought to be acceptable for the House. I therefore commend this amendment for the acceptance of the House.

**Mr. PRESIDENT:** Order, order. Amendment moved that in sub-clause (*5*) of clause 2 of the Bill, the words "at variable rents at different seasons of the year" be deleted.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I oppose the amendment, the reason being that a standard rate cannot be fixed for this kind of stalls. Take the case of a fruit stall. Now they have variable rents in the different seasons of the year according to the kind of seasonal fruit that is sold there in the stall and therefore as the rents are varied at the different seasons of

the year a standard rent for the year cannot be fixed for such stalls. With regard to the other stalls the same consideration does not arise and therefore they are not excluded from the operation of this Bill.

**Mr. LALIT CHANDRA DAS:** I support the amendment——

**Mr. PRESIDENT:** You ought to have got up before the Hon'ble Minister replied. I will now put the question.

The question before the House is that in sub-clause (*5*) of clause 2 of the Bill, the words "of variable rents at different seasons of the year" be deleted.

The question was put and lost.

**Mr. C. E. CLARKE:** Sir, I beg to move that in sub-clause (*5*) of clause 2 of the Bill, the words "or a room or rooms in a hospital, sanatorium, convalescent home, infirmary or residential club" be added at the end.

Sir, I do not consider that this amendment needs any enlargement. The desirability is obvious and I do not think it is the intention of Government to interfere with arrangements relating to hospitals, sanatorium and like institutions or demestic affairs of residential clubs. The amendment improves this clause and I submit it to the House without further comment.

**Mr. PRESIDENT:** The amendment moved that in sub-clause (*5*) of clause 2 of the Bill, the words "or a room or rooms in a hospital, sanatorium, canvalescent home, infirmary or residential club" be added at the end.

**Mr. BIREN ROY:** Sir, on behalf of this party I wholeheartedly support the amendment. I need not add any further word.

**Mr. NAGENDRA NATH MAHALANOBISH:** I support the motion. As Mr. Clarke has very aptly said, this amendment does not require any elaboration, but still I would like to say a few words as to why there should be an amendment like this. In order to clear up the matter, let us suppose that there are rooms in hospitals, paying rooms, where a patient is allowed to stay on on payment of certain charges for the rooms and he gets medical aid close at hand, and the question that will arise unless this amendment is accepted, is whether they do or do not come within the purview of this Bill. Would anybody like to interfere in this matter? I think the Hon'ble Minister will agree that those rooms should not be brought within the purview of this Bill.

There is another question which is about sanatoria, convalescent homes, infirmaries or residential clubs; the same question will aris here, for they are sought to be deliberately excluded. Take, for instance, the residential clubs. It is obvious that it is undesirable to bring them within the mischief of the Bill. Now, Sir, what I would like to say on this is that Mr. Clarke wants to exclude them but does not include stalls and other things and a room or rooms in a hosiptal, sanatorium, infirmary or residential club. I therefore support the amendment.

**Mr. SATISH CHANDRA SEN:** Sir, I support this amendment, the reason being that the idea of this Act to give protection to certain class of people who want to live in Calcutta. But certainly it is not the intention that by giving protection to this class of people there should be certain difficulties for the institutions which are being run on a different basis. From that point of view this amendment is very reasonable and I support it.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I oppose this amendment inasmuch as it is not necessary. If you refer to the definition given in the Bill you will find that "premises" means any building or part of a building or any hut or part of a hut which is or is not intended to be let separately for residential or non-residential purposes" and then it says "* * * also includes a room or rooms in an hotel, boarding house or lodging house but

does not include a stall at variable rents at different seasons of the year". Therefore the presumption is that these are not included as room or rooms in hotel, etc. This is one ground why this amendment is not necessary. As a matter of fact it is not the intention that the Rent Controller will interfere in these cases. But at the same time there may be difficulty if we expressly provide for it, because a residential house or a lodging house may pass as hotel or sanatorium or residential club. It is very difficult to define what is a sanatorium and what is a infirmary and what is a lodging house. But where there will be a genuine case it will not come under this definition. In this view of the matter I oppose the amendment.

**Mr. PRESIDENT:** The question before the House is that in sub-clause (*5*) of clause 2 of the Bill the words "or a room or rooms in a hospital, sanatorium, convalescent home, infirmary or residential club" be added at the end.

The question was put and a division taken with the following result:—

**AYES—19.**

Mr. L. P. S. Bourne.
Mr. C. E. Clarke.
Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Bankim Chandra Datta.
Mr. E. D. Doyne.
Mr. G. J. K. Hook.
Khan Bahadur Shaikh Muhammad Jan.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohon Maitra.
Mr. Nagendra Nath Mahalanobish.
Mr. George Morgan.
Mr. Bejoy Singh Nahar.
Mr. J. B. Nimmo.
Rai Bahadur Jogendra Nath Ray.
Mr. Biren Roy.
Mr. Patiram Roy.
Mr. Charu Chandra Sanyal.
Mr. Satish Chandra Sen.

**NOES—23.**

Mr. Abdulla-al-Mahmud.
Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Mr. Syed Badruddoja.
Rai Bahadur Dhirendra Lal Barua.
Mr. Reajuddin Bhuiya.
Mr. Moazzem Hosain Chowdhury.
Mr. Abdul Hamid Chowdhury.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mrs. Labanyaprobha Dutt.
The Hon'ble Mr. Abdul Gofran.
Khan Bahadur A. M. Shahoodul Haque.
The Hon'ble Mr. Saiyed Muazzamuddin Hosain.
Mr. Latafat Hossain.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latif.
Mr. Tarak Nath Mukherjea.
Mr. Abdur Rashid.
Mr. Amulyadhone Roy.
Dr. Kasiruddin Talukdar.
Mr. Md. Taufiq.
Khan Sahib Maulvi Wahiduzzaman.

Ayes being 19 and Noes being 23 the motion was lost.

**Mr. PRESIDENT:** Mr. Abdul Hamid Chowdhury.

**Mr. ABDUL HAMID CHOWDHURY:** It stands held over as arranged the other day.

**Mr. PRESIDENT:** We are on clause 2 now. We are considering those amendments which were held over the other day.

**Mr. ABDUL HAMID CHOWDHURY:** Not moved, Sir.

**Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN:** Sir, I beg to move that in sub-clause (*7*) of clause 2 of the Bill, the following be added at the end of paragraph (*a*), namely:—

"Provided that if the building was erected after 1943, the increment will be up to 50 *per cent.* of the rent at which it would have been let in 1943."

The reasons for my moving this amendment are the same as I put forward before, namely, that the cost of constructing a house now is much higher at present than it was, say, 5 years ago. Therefore in the first place it would have been better if the buildings erected after 1943 had been altogether excluded from he purview of this Act. I pleaded on this point

but that has not been accepted by the House. At least this much I want, in view of the tremendous increase in the cost of materials for building a house, that the increase over the standard rent should be up to 50 per cent. and not a mere 10 *per cent.* I hope that this amendment will be accepted by the Government.

**Mr. PRESIDENT:** Order, order. Amendment moved that in sub-clause (7) of clause 2 of the Bill, the following be added at the end of paragraph (*a*), namely:—

"Provided that if the building was erected after 1943, the increment will be up to 50 *per cent.* of the rent at which it would have been let in 1943".

**The Hon'ble Mr. FAZLUR RAHMAN:** I do not find any justification for this amendment to allow an increase of 50 *per cent.* over the rent for such a building in 1943, for the buildings constructed after 1943. So I oppose it.

**Mr. PRESIDENT:** Order, order. The question before the House is that in sub-clause (7) of clause 2 of the Bill, the following be added at the end of paragraph (*a*), namely:—

"Provided that if the building was erected after 1943, the increment will be up to 50 *per cent.* of the rent at which it would have been let in 1943."

The question was put and lost.

**Mr. PRESIDENT:** The question before the House is that clause 2 stand part of the Bill.

The question was put and agreed to.

*Clause 10.*

**Rai Bahadur JOGENDRA NATH RAY:** Sir, I beg to move that sub-clause (2) of clause 10 be omitted.

**Mr. PRESIDENT:** Order, order. The Hon'ble Minister desires that clause 10 and 12 should stand over, as he would like to reconsider the matter in the light of the previous amendments. So let this amendment stand over.

**Rai Bahadur JOGENDRA NATH RAY:** All right, Sir. I have no objection.

*Clause 13.*

**Mr. PRESIDENT:** We therefore come to clause 13. Mr. Clarke.

**Mr. C. E. CLARKE:** Sir, before I move this amendment I ask the permission of the Chair and of the House to let me move my own amendment as well as the amendment No. 83A.

**Mr. PRESIDENT:** But No. 83A stands in the name of Mr. Abdul Rashid!

**Mr. C. E. CLARKE:** Yes, Sir, but I ask permission to move that amendment in conjunction with my own amendment.

**Mr. PRESIDENT:** Why not let Mr. Rashid move his amendment and you move yours as it is, so that while there will be one discussion on both the amendments, they would be put separately? But Mr. Rashid's amendment will be put first.

**The Hon'ble Mr. FAZLUR RAHMAN:** But a redrafted amendment combining both amendments has been put in by Mr. Clarke.

**Mr. PRESIDENT:** Is the draft ready? Let me have a copy of it. (A copy of the re-drafted amendment was handed over to the President.) Yes, that will do; it will make the thing much simpler.

Mr. Clarke has redrafted his own amendment incorporating therein amendment No. 83A, that stands in the name of Mr. Abdul Rashid. I take it that there is no objection to Mr. Clarke moving his own amendment in an amended form. Mr. Clarke.

**Mr. LALIT CHANDRA DAS:** Sir, we have not got amendment No. 83A or even the amended amendment of Mr. Clarke.

**Mr. C. E. CLARKE:** I beg to move that for clause 13 of the Bill, the following be substituted, namely:—

"13. (*1*) No suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom in which any of the grounds specified in clauses (*b*) and (*d*) of the proviso to sub-section (*1*) of section 12 has been taken as a ground for such eviction shall be entertained by any Court unless the landlord has been permitted by the Controller by an order in writing under sub-section (*3*) to institute such suit or proceeding and has produced before such Court proof that such permission has been granted.

(*2*) If in any suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom, a decree or order for the recovery of possession of such premises has been made before the date of commencement of this Act on any of the grounds specified in clause (*c*) of the proviso to sub-paragraph (*1*) of paragraph 9 of the Calcutta House Rent Control Order, 1943, or in clause (*c*) of the proviso to sub-paragraph (*1*) of paragraph 10 of the Bengal House Rent Control Order, 1942, but the possession of such premises has not been recovered from the tenant, the execution of such decree or order shall be stayed until the landlord produces before the Court by which such decree or order may be executed or in which such execution is pending, as the case may be, proof that he was permitted by the Controller appointed under the Calcutta House Rent Control Order, 1943, or the Bengal House Rent Control Order, 1942, as the case may be, to institute such suit or proceeding or to prosecute such suit or proceeding or to recover possession of such premises by the execution of such decree or order or that he has been permitted by the Controller by an order in writing under sub-section (*3*) to recover possession of such premises by the execution of such decree or order.

(*3*) A landlord who desires to obtain from the Controller,—

(*a*) any order referred to in sub-section (*1*) permitting him to institute a suit or proceeding referred to in that sub-section against a tenant in possession of any premises for eviction such tenant therefrom, or

(*b*) any order referred to in sub-section (*2*) permitting him to recover possession of the premises in respect of which any decree or order referred to in the said sub-section has been made by the execution of such decree or order,

shall apply in writing to the Controller in that behalf, and if, on receipt of such application, the Controller, after giving the tenant in possession of the premises an opportunity for showing

cause against the application and after considering all the circumstances of the case, is satisfied,—

(*i*) in the case referred to in clause (*a*) that there is sufficient cause to hold that any of the grounds specified in clauses (*b*) and (*d*) of the proviso to sub-section (*1*) of section 12 which has been taken by the landlord as a ground for eviction of the tenant in such suit or proceeding exists, and that in the case of suit or proceeding for eviction on the ground specified in clause (*b*) of the said proviso that the consent of the landlord to sublet the premises has not been unreasonably withheld, and

(*ii*) in the case referred to in sub-clause (*b*) that it is a fit case for the landlord to recover possession of the premises by execution of the decree or order referred to in that clause on any of the grounds referred to in sub-section (*2*) on which such decree or order has been made.

the Controller shall, after recording his reasons in writing, make the Order applied for, and, if the Controller is not so satisfied, he shall, also after recording his reasons in writing, make an order rejecting the application.

(*4*) The Controller may, before making under sub-section (*3*) any order referred to in sub-section (*2*) permitting a landlord to recover possession of any premises by the execution of a decree or order, allow such time as he considers necessary to the tenant to vacate the premises and to deliver possession thereof to the landlord."

Sir, we have very carefully considered the new clause which I have suggested in my amendment and we are of opinion that it is much more suitable than the original clause of this Bill. So having considered very carefully I place it before the House for its acceptance.

**Mr. PRESIDENT:** Amendment moved that for clause 13 of the Bill, the following be substituted, namely:—

"13. (*1*) No suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom in which any of the grounds specified in clauses (*b*) and (*d*) of the proviso to sub-section (*1*) of section 12 has been taken as a ground for such eviction shall be entertained by any Court unless the landlord has been permitted by the Controller by an order in writing under sub-section (*3*) to institute such suit or proceeding and has produced before such Court proof that such permission has been granted.

(*2*) If in any suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom, a decree or order for the recovery of possession of such premises has been made before the date of commencement of this Act on any of the grounds specified in clause (*c*) of the proviso to sub-paragraph (*1*) of paragraph 9 of the Calcutta House Rent Control Order, 1943, or in clause (*c*) of the proviso to sub-paragraph (*1*) of paragraph 10 of the Bengal House Rent Control Order, 1942, but the possession of such premises has not been recovered from the tenant, the execution of such decree or order shall be stayed until the landlord produces before the Court by which such decree or order may be executed or in which such execution is pending, as the case may be, proof that he was permitted by the Controller appointed under the Calcutta House Rent Control order, 1943, or the Bengal House Rent Control Order, 1942, as the case may be, to institute such suit or proceeding or to

prosecute such suit or proceeding or to recover possession of such premises by the execution of such decree or order or that he has been permitted by the Controller by an order in writing under sub-section (3) to recover possession of such premises by the execution of such decree or order.

(3) A landlord who desires to obtain from the Controller,—

(a) any order referred to in sub-section (1) permitting him to institute a suit or proceeding referred to in that sub-section against a tenant in possession of any premises for evicting such tenant therefrom, or

(b) any order referred to in sub-section (2) permitting him to recover possession of the premises in respect of which any decree or order referred to in the said sub-section has been made by the execution of such decree or order.

shall apply in writing to the Controller in that behalf, and if, on receipt of such application, the Controller, after giving the tenant in possession of the premises an opportunity for showing cause against the application and after considering all the circumstances of the case, is satisfied,—

(i) in the case referred to in clause (a) that there is sufficient cause to hold that any of the grounds specified in clauses (b) and (d) of the proviso to sub-section (1) of section 12 which has been taken by the landlord as a ground for eviction of the tenant in such suit or proceeding exists, and that in the case of suit or proceeding for eviction on the ground specified in clause (b) of the said proviso that the consent of the landlord to sublet the premises has not been unreasonably withheld, and

(ii) in the case referred to in sub-clause (b) that it is a fit case for the landlord to recover possession of the premises by execution of the decree or order referred to in that clause on any of the grounds referred to in sub-section (2) on which such decree or order has been made,

the Controller shall, after recording his reasons in writing, make the Order applied for, and, if the Controller is not so satisfied, he shall, also after recording his reasons in writing, make an order rejecting the application.

(4) The Controller may, before making under sub-section (3) any order referred to in sub-section (2) permitting a landlord to recover possession of any premises by the execution of a decree or order, allow such time as he considers necessary to the tenant to vacate the premises and to deliver possession thereof to the landlord."

**Mr. BIREN ROY:** Sir, I rise to oppose this amendment. Mr. Clarke has practically put in what was in clause 13. It was hence a waste of time for the Select Committee to go through the whole Bill and draw the travelling allowances as usual and then come in with the support of the Government from behind to replace those clauses which were deleted in the Select Committee. I do not know whether the Government did not know their mind at the time when the Select Committee were meeting or they were playing with the time. Now, Sir, there is another aspect of the thing and it is this that the Controller has been made the Dictator in Calcutta in respect of the landlords renting their houses. But, Sir, I do not see any reason why his judgment should be preferred in preference to the Civil Court Judges. This is a kind of thing which we on this side of the House cannot only, not tolerate but cannot support it. For here when

we are trying to separate the judiciary from the executive, the Government is bent on gradually transferring everything to the hands of the executive and in spite of the fact that the European members supported us in this matter of transfer of the judiciary from the executive they are choosing another backdoor policy of handing over everything to the inefficient and corrupt executive officers, not even to executives properly appointed, much to the detriment of the landlords who have invested large sums of money to cater sufficiently to the needs of the tenants and where the Government has not come forward in any way in regard to the supplies of controlled building materials such as cement, iron, etc., to help or alleviate the difficulties either of the landlords or of the tenants. We, Sir, oppose this amendment.

**Mr. NAGENDRA NATH MAHALANOBISH:** I am sorry I have to oppose this amendment of Mr. Clarke. Mr. Clarke, it appears, was a member of the Select Committee. Of course he has submitted a Note of Dissent no doubt. But then the Hon'ble Minister in charge who was presiding at the Select Committee meetings, it appears, did accept the Select Committee's amendments. We find that the Select Committee entirely omitted clause 13 which contained this provision replacing it by another but also the two subsequent clauses 14 and 15 dealing with this matter of decision by the Rent Controller. Now the first point that would naturally strike honourable members is this. What is the necessity of having the same matter tried over again once by the Rent Controller and then again by the Civil Court? If you think that the Rent Controller is an authority who should finally decide the fate of the landlords and the tenants, well, let him have the final power to say whether a particular tenant should be ejected or not. Here I am not dealing with the question of fixing of rent. I am dealing with the question of eviction. If a landlord actually requires the house for his own occupation bona fide and he wants the tenant to vacate and gives the tenant a reasonable and legal notice to vacate and if the tenant persists in occupation what is the landlord to do? The ordinary law of the land is that he can claim eviction from the Civil Court. And this law says, No. The jurisdiction of the civil court is barred until Mr. A, B, C, or D who may be the fortunate fellow who becomes the Rent Controller either in Calcutta or in the moffusil has had his say. The landlord has to approach him and he may be dragged on with his application for 3, 4 or 5 months at least if not more and the tenant also is to attend the Rent Controller's office to put forward various pleas true or false. Both have to attend court, spend money over lawyers and other things when rightly or wrongly the Rent Controller decides one way or the other. Anybody who is dissatisfied goes up to appeal and there the same process is repeated and another 6 or 7 months or perhaps more pass when the appellate judgment is received. So we merrily pass on for about a year in taking the Rent Controller's decision and to have the decision tested again by an appellate authority. Then we come to the civil court. If the landlord is fortunate enough to convince the appellate court that he has got the right of eviction because the premises are required for his bona fide requirements for his own occupation. Then the case comes to the civil court and the tenant begins to argue anew, files written statements and contests that right of the landlord. This process goes on the appellate court and also in the High Court. Why do you add injury after injury? If you do not want that landlords should evict their tenants, because they were intervened and it was at some time difficult to obtain accommodation, and tenants should be the real masters of the situation, tell us frankly that landlords should not eject their tenants up to the year 1949. We can quite understand that. Let the landlords hold their souls in patience till that time. But why go through the farce of forcing them to litigation, causing them to incur expenses, trouble and annoyance? If that is your scheme, if that is thought fair and expedient by you, say so in so many words and let the landlords and their tenants

after the year 1949 have their ordinary legal rights, but instead of doing that you practically do the same thing in another way. Even if the landlord has got the right if he ultimately succeeds in proving to the satisfaction of the Controller as well as to the satisfaction of the Civil Court and also the High Court for the case can as well go up to that Court also, and even if he succeeds at all these places, he could not possibly get occupation or possession of the house till after 4 or 5 years. The Law's delay is well known but even so I think further cause for delay is being inserted in between the landlord's rights and the civil court's decision and the Rent Controller's decision. I do not for a moment understand the justification behind all this and as to how you could get better and quicker results by this amendment. If you have no faith in the civil court's decision, or if you prefer the Rent Controller's decision, then make the Rent Controller's decision final and exclude the civil court altogether. That we can understand but the process in which legislation is going on in this House in this province seems to be that the intention of the legislature is not only to create difficulty both in the way of the landlord and the tenant but also to realise more court-fees and subject them to more and more litigation expenses and to harassment and embarrassment. I submit that this introduction of the Rent Controller for the purpose of forcing the landlords to obtain his previous consent for the purpose of going to the civil court cannot be justified by any principle or necessity or even expediency. Generally, Sir, if you had put down certain principles which the Rent Controller would be bound to observe before he granted or refused permission to sue then I submit the same principle could be enunciated for the purpose of guiding the civil court, namely, that under such and such circumstances a tenant could be ejected and under such and such circumstances a tenant could not be ejected. You can embody that principle in the body of the law and tell the civil court that it must act according to that, and if a civil court makes a mistake then the matter may be taken to a higher court. But why do you put in the Rent Controller here unless you have some ulterior motives? Sir, I am very loth to impute any ulterior motives to the authors of this Bill or to the author of this amendment but I submit that unless there is some motive behind this, then why are you so very anxious to bring in the Rent Controller? I cannot understand for a moment what benefit the landlord and the tenant will get by seeking the preliminary decision from the Rent Controller. It may be suggested that the tenant might be saved from litigation expenses in a civil court if the rent controller refused to grant permission but I submit that if really the landlord has got the right to sue under the ordinary law, the landlord can harass the tenant by litigation and in many other forms and it is perhaps known to many honourable members that if a landlord is dishonest in spite of your law he can carry on litigation. You will have also to consider the honest landlords and honest tenants. In their case you ought not to bring in all this further complication by bringing in a Rent Controller and again the way in which the provisions are sought to be enforced are full of complications. I would just refer you to clause 2 in the first instance. Clause 2 of the proposed new amendment..... By the way, Sir, I would like to mention to you that we have not got a copy of this proposed amendment of Mr. Clarke before it was read out, and it was not circulated to us. It is rather an involved amendment and requires very careful consideration before we can do justice to the matter involved and I am saying what I have got to say. I submit, Sir, that in case of this sort of amendment though the Chair has power to admit any amendment at any time——

**Mr. PRESIDENT:** I have done it with the consent of the House and I did not exercise my power. I wanted to find out whether there is any objection to Mr. Clarke moving the two amendments together but there was no objection and I allowed it.

**Mr. NAGENDRA NATH MAHALANOBISH:** Is that so? I am sorry I did not hear it as in that case I would have spoken about the difficulty. However, as I have said, it is a very complicated amendment and requires very careful consideration. What I would like to point out is that in this provision you are not satisfied with having obtained permission from the Rent Controller: you go further and do away with the right of the landlords under the Transfer of Property Act. Then, Sir, you do away with the right of the landlords which they have obtained under a decree of a civil court; you impeach that also and even after obtaining decree you require him to go to the Rent Controller to have permission to execute the decree. This, I submit, is one-sided legislation and it is not fair. In every legislation we should look not only to the interest of one class, the tenant, but also to the other class, the landlord. The first and foremost thing we should bear in mind is that both are honest and work on that basis, and unless some special mischief is brought to the notice of the Controller that in regard to certain acts of a large number of dishonest tenants or landlords certain remedial action is necessary, we should proceed on the basis that both landlords and tenants are honest. But demand of higher rent on account of scarcity of accommodation ought to be resisted. It can be done by the Rent Controller but we should not venture into legislation which would really ruin both the landlord and the tenant specially in this city. You ought to simplify the procedure. As I have suggested just now, this intervention of the Rent Controller for the purpose of having permission is mischievous and unnecessary and therefore I am opposed to the principle underlying this amendment and I hope that the House would reject this amendment and accept and proceed upon the Select Committee proposal.

**Mr. LALIT CHANDRA DAS:** Sir, I would oppose the amendment which has been moved by Mr. Clarke. In order to understand whether this amendment is reasonable or even necessary it is necessary that I should read out section 13 as has been put in by the Select Committee that would give a fair idea to the House regarding the procedure to be adopted in certain suits and preceedings for eviction of tenants. Section 13 lays down:—

"13. Notwithstanding anything contained in any other law for the time being in force in every suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom in which any of the grounds specified in clause (*d*) of the proviso to sub-section (*1*) of section 12 or in which non-compliance with the provisions of this Act as to the payment or deposit of rent due by such tenant in respect of such premises to the full extent allowable by this Act has been taken as a ground for such eviction, the Court shall at the first hearing of such suit or of the application out of which such proceeding has arisen, or as soon as may be thereafter, after giving the parties an opportunity of being heard and considering any evidence which they may produce, decide first if the ground so taken by the landlord for eviction of the tenant exists, and, if the finding thereon is sufficient for the final disposal of such suit or proceeding, may pronounce judgment or pass orders accordingly, but if the finding is not sufficient for such final disposal, the Court shall adjourn the further hearing of such suit or proceeding for the production of such further evidence or for such further argument as may be necessary for the final disposal of such suit or proceeding:

**Provided** that in the case where the Court finds that reasonable grounds exist for non-compliance with the provisions of this Act as to the payment or deposit of rent to the full extent allowable by this Act, the Court shall before passing any decree or order for eviction of the tenant on the ground of such non-compliance allow to the tenant such time as it may think fit to pay to the landlord

or to deposit in Court the rent allowable by this Act in arrear together with such costs of the suit or proceeding as may be determined by the Court, and shall not pass such decree or order if the tenant pays to the landlord or deposits in Court such rent in arrear together with such costs within the time so allowed."

This is what has been put in by the Select Committee in place of that cumbrous procedure which was shown in the original clause—sections 13, 14 and 15. In order to understand the suits or proceedings to be adopted for the eviction of the tenant it is first necessary for us to realise on what grounds the tenants can be ejected. First of all I would draw the attention of the House to clause 12 of the Bill. At the very outset it lays down a provision that there shall be no order for ejectment ordinarily to be made if rent paid at allowable rate. Now, the proviso says "That nothing in this sub-section shall apply,—

(*a*) where the tenant has done any act contrary to the provisions of clause (*m*) and (*o*) or clause (*p*) of section 108 of the Transfer of Property Act, 1882, or

[(*b*) where in the absence of any contract to the contrary the tenant has, without the consent in writing of the landlord, sublet the premises in whole or in part, or],

(*b*) where the tenant has, without the consent in writing of the landlord, sublet, or allowed any person other than the landlord to enter into possession of, the premises in whole or in part, or continuously for a period of not less than two months allowed the premises to remain vacant, or

(*c*) where the tenant has been guilty of conduct which is a nuisance or an annoyance to occupiers of adjoining or neighbouring premises, or

(*d*) where the premises are bona fide required by the landlord either for purposes of building or re-building, or for his own occupation or for the occupation of any person for whose benefit the premises are held, or where the landlord can show any cause which may be deemed satisfactory by the Court."

Now, Sir, this is laid down in clause 12. Here you will find that we have laid emphasis on the fact that the landlord is to show cause which is deemed satisfactory by the court. Is this Controller a court? We discussed this point elaborately in the Select Committee whether the Controller should be made a Dictator in all affairs relating to the relations between the tenant and the landlord. That was a moot point we had a discussion on, and we had a talk on the principle that, in the matter where a decision is to be given with respect to the final rights of the landlord and the tenant regarding eviction, the matter ought to rest with the court, for the Court is considered a far more respectable and responsible body than a Dictator Controller who is recruited from the executive service. We have got, Sir, the conditions and we have got, Sir, the qualifications that will be necessary for one to be made a Controller. Now the Government may have a set of Controllers far inferior in qualifications and in foresight, and, in the matter of deciding cases for inferior to the Judicial Officers who are the persons competent to pronounce a decision in cases of eviction. Sir, in redrafting clause 13 the Select Committee eliminated altogether the Controller as we considered that there was no necessity to go to the Controller but as there was a provision for a preliminary hearing we thought that we can concede thus far that a preliminary hearing may be given by the court to both the landlord and the tenant to decide whether a suit for eviction should proceed or not. We thought that the proper forum was the Court to avoid the unnecessary waste of money and time which the proposed amendment involves by bringing in the Controller before the Court. We decided that

the preliminary hearing will be given by the court and we gave it in section 13. We conceded that a preliminary hearing may be given by the court whether a just ground specified in clause (*d*) of section 12 exists for eviction of a tenant, and then only if the Court is satisfied, after giving a preliminary hearing to the landlord and also to the tenant after giving notice to the tenant in cases of eviction, that no ground existed to evict the tenant, the court will reject the application of the landlord at once. And if the ground exists for eviction they will proceed with further hearing, etc. This is all provided in the Bill clause 13. But what is proposed to be done by the proposed amendment of Mr. Clarke suggests that which the Hon'ble Minister sitting on the other side is eager to accept. What Mr. Clarke suggests is that the Controller should sit head and shoulders over the court. According to him the Controller should be first approached for a certificate whether a suit will lie or not, whether reasonable grounds exists for bringing in a suit under clauses (*b*) and (*d*) of section 12. He gives a hearing to both parties. Then if he is pleased or if he can be pleased he grants a certificate. What is that certificate? The certificate is—Go to the civil court for eviction. I ask—Why go to the Civil Court? If you trust your Controller invest him with full powers to decide a case one way or the other. Why this dubious way of asking a man to go to the Controller to obtain a certificate and then direct the landlord to go next to the court. Really, Sir, this is astounding. We, Sir, sitting here are labouring under a great disadvantage and our suggestions, however reasonable they may be, are rejected by a brute majority on the other side. We are not to be outvoted by reason, fairness or justice but simply by brute majority. (Mr. ABDULLAH-AL-MAHMUD: Reason and justice and fairness is your monopoly only.) Well, Sir, wait in patience and you will hear. This remark came from your leader, Mr. Jinnah, and I am simply quoting it (Mr. ABDULLAH-AL-MAHMUD: Yes, we have heard your argument.) Yes, I am only quoting your leader. But now to come back to the Bill and the amendment Let us see how the matter stands now and under the report of the Select Committee. There we dispensed with the Rent Controller altogether in this matter. We provided in the select committee that the landlord who wanted eviction of his tenant should in the first place go to the civil court so that the civil court should have a preliminary hearing and if the court were satisfied after hearing both the landlord and the tenant that just cause or ground existed it would accord permission for the eviction. Which is the better provision, Sir? Whether to go first to the Rent Controller for a preliminary permission to sue and then to go to the Civil Court for settlement of the matter, or to let the civil court decide the matter once for all without the intermediary of the Rent Controller? We wanted to avoid the dubious procedure of spending money as well as time when prima facie just cause existed for eviction. Then, Sir, there is another queer thing. If the landlord gets a decree he will again have to seek the permission of the Rent Controller under sub-clause (*b*) of the suggested amendment for evicting the tenant, and the Controller will have to be satisfied as to whether everything was in order when a previous eviction order was passed, that is, whether in passing the order of eviction the procedure laid down in the Calcutta House Rent Control Order, 1943, or the Bengal House Rent Control Order, 1942, was fully observed. I submit that it must be presumed to be in order if the fact is that the order was passed by a competent court of competent jurisdiction. When a competent court of competent jurisdiction passes a decree of eviction it must be presumed that all the formalities of law were gone into and that the procedure laid down in the law were fully observed. The onus would now lie on the other side to prove that it was not so observed, after getting notice to do so; and the tenant after getting fresh notice will come forward and say that in fact the procedure laid down in the two House Rent Control Orders of 1943 and 1942 were not observed. And in this case the landlord will have to run again to the Rent Controller, and what for, Sir? Only for getting a certificate that everything had been in order. And if the Rent Controller is so pleased then and then only will

he come back to the civil court for the purpose of carrying out the order of the court. This is a very tedious process and should be done away with. If you do not trust the civil court, a court of competent jurisdiction, then take away its jurisdiction and invest your Rent Controller with full authority to dispose of the suit. But instead of doing that, you are having the matter duplicated so that the Government coffers might be replenished. You are further insulting the civil court by allowing the Rent Controller to sit head and shoulders above the court. From the start of the litigation at all the stages you are allowing the Controller to sit head and shoulders over the civil court. The matter may be very much simplified and rendered very much easy if you placed implicit faith in the civil court. The people have faith and trust in the civil court, a court of competent jurisdiction used to deal justice in an even handed manner between all parties; let this court be authorised to do all the things in connection with the eviction of the tenant. If you really do not trust the civil court, then all that I say is that, for God's sake, give all the powers to the Controller, so that the parties may not have to go from one place to another and get involved in huge costs. But instead of doing that you are following all sorts of dubious methods. For these reasons we object to this amendment.

**Mr. ABDULLA-AL-MAHMUD:** Sir, I rise to render my wholehearted support to the amendment moved by my friend Mr. Clarke. I have heard with care the arguments advanced by Mr. Nagendra Nath Mahalanobish and Mr. Lalit Chandra Das. I would give credit to Mr. Das for his lengthy argument. He thinks however that all the reasons and arguments are his monopoly. I do not like to argue about what he said, but I would like to reply to what has been said by Mr. Mahalanobish regarding the procedure to be gone into by the Civil Court. What are the advantages? I must say that there are advantages in having the provision that has been suggested. This special measure—the Rent Control Bill—has been provided after a great deal of experience gathered during the time when there was war and the effect that are being experienced after war. It has been seen that unscrupulous landlords in order to increase the rent by leaps and bounds rush to the court or take any other means they like. This is Government of the people which Mr. Das characterises as having a brute majority. I may say that it is bound to be a majority rule everywhere as it is in the Centre. Now, Sir, in order to give relief to the tenants from the unscrupulous landlords this provision has been suggested by Mr. Clarke, because in clause 2(*a*) that has been suggested to be provided by the Select Committee provision of the Controller has been made who should be a barrister or a member of the judicial or executive service having 10 years of service. Mr. Das and Mr. Mahalanobish presume that because these officers hold executive office therefore they will be unscrupulous in passing judgment as soon as a landlord comes with a petition. I cannot understand how they presume that an officer who comes from a judicial service and who will sit in a court to give permission or to refuse permission of eviction upon an application, will be biased and will not deal with the case in a judicial frame of mind. I do not see any force in this argument. I lend my support to this amendment for the reason that if power is given to the Controller who is a member of the Provincial Service or a Barrister or a member of the Judicial Service in order to prevent unnecessary harassment to the tenant from the action of an unscrupulous landlord this will not only save his time but will also save a lot of money to him. So I think that this amendment is advantageous both to the landlord and to the tenant as it will take less time and will be less costly. The new clause 13 suggested by Mr. Clarke is clearer than the one suggested by the Select Committee and it is an improvement over the original clause. Special provision has already been made for giving special power to the munsif or judge here in order to bring an ejectment suit. But nowhere it is laid down what the value of the court-fee would be in order to bring such a suit against the tenant. Would it be annas twelve or would it be decided according to the value of the property

rom which the eviction of the tenant is sought? Now, Sir, this petition vhich will have to be given to the Controller will cost the landlord only 2 annas as fees and some fees to the lawyers——

**Mr. PRESIDENT:** Order, order. Mr. Mahmud, our time is up. How ong you will take to finish your speech?

**Mr. ABDULLA-AL-MAHMUD:** I do not know. But if the House can o on I can finish within 5 minutes.

**Mr. PRESIDENT:** Then we can continue for 5 minutes more.

**Mr. ABDULLA-AL-MAHMUD:** Now, Sir, that empowers the civil ourt with special power and twice the matter will have to be gone into. irst of all it will hear the preliminary argument. We do not know what ill be the procedure to be adopted by the civil court judge, whether he ill take evidence as soon as the suit is instituted and a date fixed and ummons served on the defendant that is the tenants. Then on the first day e tenant will appear and on the very day he may submit a written statement and another date will have to be fixed to hear the preliminary arguments whether the tenant is liable to be ejected or not. A prima facie case ill have to be made out on the first day. Then another date to be fixed t the discretion of the court whether to take evidence or not. Then it will e a lengthy procedure. First there will be an adjournment for 2 or 3 nonths. He will then pass a preliminary decree just as in mortgage suit fter say 1½ years. Here also special power has been suggested to be given o the Munsif or Judge to give a preliminary decree not before 3 or 4 months. During this period both the tenant and the landlord will have to be present hrough their lawyers. Of course this would be advantageous to us no oubt and from Mr. Lalit Chandra Das and Mr. Mahalanobish's point of iew also, but the landlord and the tenant will be harassed and unnecessarily oo. So if this amendment is accepted only permission is necessary from he Rent Controller and a date will be given soon to ascertain whether the andlord requires the house or premises as has been given in clause 12(*d*). f the landlord can make out a case that he requires the houses for his own ccupation the matter will be easier. If the tenant does not do anything ontravening the provision of section 108 of the Transfer of Property Act, 882, and if the landlord harasses the tenant unnecessarily and also if that s proved then the matter will be easier and the landlord will have to pay or it. Mr. Das and Mr. Mahalanobish are pleading for the landlords but if he landlord goes on harassing the tenants in this way an amendment of this ature is very necessary.

With these words, Sir, I wholeheartedly support the amendment.

**Mr. PRESIDENT:** Order, order. The House stands adjourned till 2-15 .m. tomorrow.

## Adjournment.

The House was then adjourned till 2-15 p.m. on Thursday, the 27th February, 1947.

**Members absent.**

The following members were absent from the meeting held on the 26th February, 1947:—

(1) Mr. Yusuf Ali Chowdhury,
(2) Mr. Kamini Kumar Dutta,
(3) Khan Bahadur Sheikh Fazal Ellahi,
(4) Mr. Mungturam Jaipuria,
(5) Mr. Humayun Z. A. Kabir,
(6) Alhaj Yar Ali Khan,
(7) Mr. Syed Abdul Majid,
(8) Khan Bahadur Ghyasuddin Pathan,
(9) Khan Bahadur Mukhlesur Rahman,
(10) Dr. Kumud Sankar Ray, and
(11) Mr. Biswanath Roy.

WBGP-47/8-36[illegible]A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session, 1947—No. 12.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 27th February 1947, at 2-15 p.m. being the twelfth day of the First Session of 1947, pursuant to section 62(2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## General Discussion on the Budget

**Mr. HARIDAS MAZUMDAR:** Sir, the budget estimate of the present Government reminds me of Mr. Gouri Sen of tradition who, entrusted with people's money, squandered the whole sum in foolish investment ruining the whole prosperity of the State. Our Finance Minister, Mr. Mohammed Ali, signs a swan song and laments for the deplorable state of Bengal's finance and in his bewilderment plainly admits that the province will run into hopeless bankruptcy unless the Central Government comes to its rescue.

Sir, before the war, you are aware, the Province managed its whole affairs with a sum of ten to twelve crores of rupees. War converted our Province into an eastern theatre of its activity. Its expenditure naturally mounted up and the Central Government realising the peril and helpless state of Bengal's finance promised to help with subvention; the amount now comes to 12 crores, the original amount of revenue of the province. To meet daily increasing expenses the Bengal Government saddled it with a series of taxes and practically when every conceivable source of revenue became explored with promises to repeal them after the war, treating them as war time measures. But instead of bread the people have got stones. Let me quote a few figures only to have an idea of its multiplication and the desire of the Ministry to maintain the peak point of expenditure, being forgetful of the fact that when a mine is fully exploited, nothing remains but pits and holes.

In 1943-44, the revenue was nearly 24 crores, in 1944-45 it was raised to a little less than 40 crores, almost by Herculean efforts with the assurance of remission as I told you just now. In 1945-46 it was again raised to [illegible] position of more than 45 crores. In 1946-47 the amount of revenue [illegible] according to the revised estimate of the Finance Minister 38 crores and 73 lakhs, I think when settled state of affairs is gradually coming to prevail, will it be prudent to inflate the budget with reckless and meaning-[illegible] under communal education scheme, communal rehabilita-[illegible] and thus like a veteran official to pull the budget to the high [illegible] which the exigencies of war only demanded.

After [illegible]ushing aside the urgent necessity of meeting the demand of the University Science College for all Bengalees, is there any necessity to spend a fabulous sum on Islamic culture and education to benefit a particular community when the burden of taxation has become so crushing as it is about to disturb the economic equilliburium of the whole of India? Is it any reply to Mr. Fazlul Huq's Muslim University propaganda? The Hon'ble Minister himself is conscious of this when in making the statement he says—'It is hoped that as a result of the economic development of the Plan, the economic wealth of the country will increase'. It is a camouflage to whitewash the situation.' Remember, out of 12 crores of the

amount of subvention received from the Central Government, only one-third or so, is earmarked for real development purposes, and the balance is spent in running the present administration; or in other words in creation of offices sometimes it may be without any duty attached, and is this the development project with which the Government intends to increase the economic wealth of the Country? Sir, I may mention their another gigantic plan or bluff if I am allowed to say so. Sir, it is a paper scheme just to mislead the Centre and the people. In the Budget I find a proposal to spend a sum of rupees 153 crores for the development of the province. Just below this proposal, there is the note of the Government which states that the sum of rupees fifty three crores that is the superfluous portion over the one hundred crores will be spent on unproductive purposes in the name of development by a Government which is mishandling a huge sum every year and whose notorious boat building policy has almost become a scandal all over the world.

Sir, I can assure you, had the Finance Minister intended, he could have balanced the budget very easily and this I say from the very figures he has given to us for consideration. On the revenue side there is a loss of half a crore under Sales tax and another half a crore under Excise duty on country spirit, the total amount is only one crore. Similarly, there is decrease on the expenditure side and it is two crores. Is it not sufficient to balance the amount, even if we take the increase in expenditure in the Department of Law and Order. Under the development plan, the Ministry curtailed expenditure under Irrigation and Civil Works. May I know the reason? The public suspects that it is postponed on communal grounds only.

The basic revenue of the province is 32 crores. If so, it is already threefold of the old figure, which is, however, equivalent to the latter figure, supposing the inflation prevailing within the country to be about 300 per cent. But the Finance Minister is making a proposal to raise it to a peak position of 45 crores, that is, about 40 per cent. above the present figure and that is when deflation is about to set in. He perhaps forgets that this amount is to be raised in future, when a recurring amount of six crores to be added to it for some years for reconstruction and another sum of four crores is to be added as interest charges for 82 crores of rupees, the amount to be payable for the abolition of the zemindary system of the province. The total amount will reach 55 crores. Remember our basic and natural revenue of province standing on the inflated finance is only 32 crores. Will the Central Government come annually with a subvention of not 10 or 12 crores but its double amount?

Of course, the Hon'ble Minister might say that the development schemes when given full effect to and the abolition of zemindary system will bring in a revenue. The old story repeats itself. We were similarly assured when state trading was started under a system of loan from the Central Government. From the figures under Debts and Deposits item, it appears the whole amount of one hundred and twenty five crores of rupees is grossly mismanaged, as instead of profits, the deficit noted has been in 1944-45 a little less than a crore; in 1945-46 it is more than seven crores and seventy laks; in 1946-47—it is a little less than 8 crores and 4 lakhs; and in 1947-48 it is more than 5 crores and 65 lakhs. It is the historic inefficiency of handling finance by our League Ministry of the province. In the face of this sterling fact how can we believe that the additional income would be earned when the abolition of zemindary and the development schemes will be given effect to. I may very boldly prophesy that what would happen would be multiplication of new and costly posts and provided the League satellites and thus strengthening the party at the cost of the Hindu population of the province; is it not a fact that it is they

who pay the major portion of the revenue? But the Ministry is so unmindful of them that in the allocation of benefits, they totally forget about their existence. If not, why they so much earmarking about Muslim hostels, Muslim colleges, Islamia college, Islamia hospital, provision of one Engineering College at Dacca in addition to one already existing, proposal for adding two more Medical Colleges in Calcutta in addition to one more in the Lake area? If anybody takes even a bird's eye view of the budget, he will be justified to conclude that in Bengal no Hindu resides except the Muslims, for whose welfare, the so-called National Government of Bengal is so solicitous. This is frankly speaking robbing Peter to pay Paul.

I say, Sir, finance is a science and science is very cruelly exact in its application. Communal or no communal, if you go on milching the cow which has given you the sustenance so long, if you do not still restrain yourselves in the unscientific way you are managing the province's finance, it will be bled to death. When a mine is hectically worked up it is exhausted before the country could reap the benefit from its resources. The law of diminishing returns will soon set in as the inflation will melt away and the people will be reduced to penury, incapable of profitable assessment, the state finances will sustain a crack, the repair of which would mean nothing less than dire bankruptcy.

From my past experience in the Legislature under the grossly communal administration of the League Ministry I can safely state that the discussion that we are having here in terms of the spirit and letter of the 1935 Constitution Act and the rules made thereunder is mere waste of time and for practical purposes nothing but a humiliating farce. The pious wishes of our Hon'ble President that the Hon'ble Finance Minister will make necessary changes in the light of the discussion here, will remain pious wishes all the while and will never be translated into action. Not a comma will be changed, not even a clerical error will be corrected.

In my last year's budget speech as far as I remember, I suggested the appointment of an Advisory Committee with Government and Opposition members to examine the Government schemes, contracts and the payment of bills in connection therewith. No honest Government could have brushed aside the request for such a Committee for the satisfaction of the people, where the representatives of almost half the population form the Opposition. But that is not to be lost; the whole game would be found out.

A real Coalition Government is the need of the hour. The League Ministry should realise that the days for such smooth sailing relying on the brute and artificial majority are going to be numbered. And "making hay while the sun shines" even for a few months is a very bad principle from the point of view of the interests of the masses. I warn the Government not to forget this fact once and again.

I would request the Ministry not to miss this golden opportunity of approaching the Hindu half of Bengal to bring about a real co-operation and coalition. If you miss the bus, the result will be the success of the movement of a separate Hindu province where more than 60 per cent. of the population are the Hindus and non-Muslims. They cannot eternally bow down before your communal authorisation. The other day the Hon'ble Chief Minister taunted me when I threw out a suggestion on these lines and he could not take me seriously. But he is mistaken in his estimate and apprisal of the situation and the character of the Bengali Hindus. A few lines from a Bengal paper should be an eye opener to him: (Began to read a Bengali newspaper).....

**Mr. PRESIDENT:** What is that paper?

**Mr. HARIDAS MAZUMDAR:** *Ananda Bazar Patrika* of the 14th Falgun, 1353 B.S.

**The Hon'ble Mr. MOHAMMED ALI:** Is that an editorial?

**Mr. HARIDAS MAZUMDAR:** Yes.

**Mr. PRESIDENT:** Mr. Mazumdar, are you reading from the editorial of the paper.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, can he read from the editorial which is more or less a political opinion of a party?

**Mr. HARIDAS MAZUMDAR:** Sir, the editorial reflects the minds of the public.

**Mr. PRESIDENT:** But the honourable members here fully represent the opinion of the electorate and so you need not refer to the editorial of newspapers. It is not the practice. (MR. SULTANUDDIN AHMED: Some reference was made to Madhupur) Order, order.

**Mr. HARIDAS MAZUMDAR:** All right, Sir. But this much I can say without any fear of contradiction that if the Ordinance Rule of Muslim League Ministry be a permanent feature of the administration of Bengal and if the communal educational policy be followed shamelessly and State killing in Noakhali or Calcutta be repeated anywhere else the division of Bengal on communal lines is sure to come. From the economic point of view also this may be suggested that the Upper House may be abolished and in its place one Legislative Assembly in each of the two newly created provinces Suba Bangla with Dacca as its capital and Rarh Banga with Calcutta as its seat of Government under the Indian Union may be created resulting in the good feeling amongst all the communities of the Province.

**Mr. CHARU CHANDRA SANYAL:** Mr. President, Sir, just at the moment when perfect harmony amongst communities has become essential to facilitate transference of political power to the hands of the people of India, it is a pity that a budget of this type has been placed in this House for consideration. The budget as presented before this House is not a Bengal budget but may be characterised as an Islamic budget. I thank the Ministry for this straightforward business. It has several factors of far-reaching effect. If weightage to the majority is to be seen look at this budget. A little sprinkling to the Scheduled Castes and to the Buddhists may console a few job hunters but not the general masses. Anglo-Indians and Europeans have been given a mighty weightage to keep their voting in favour of the present Government in tact. This budget is certainly an example and an eye-opener to the non-Muslim majority provinces. It is out and out a political budget. It will strengthen the hands of those who want the partition of Bengal. The trick played upon is sure to entangle those who have invented it. Black art is a momentary illusion which is best suited for the stage but not for a nation. It is an uneconomic budget. Mere distribution of jobs does not improve national economy. There is hardly any item that would permanently improve the financial status of the common man of the province. The deficit runs into crores and if this policy is pursued it will mount up Everest high until an avalanche sweeps the nation away in spite of calling that old Otto Niemeyer to prop up. The great constructive suggestion in this budget that is likely to have a mark for generations is that an officer from the Finance Department is being sent abroad to learn the most progressive and scientific method of taxing the people. The people of Bengal would no doubt thank the Government when the result would be felt by each and every one of them. The profit earning business of the Government by purchasing a Brooklyn ice plant no doubt fits in with time. Bengal has become too hot. The icy hand of cold waived over Bengal may no doubt bring some profit. We are accused of destructive criticism only. I offer a suggestion, and that

is that the sales tax on books and news sheets should be withdrawn as it is a tax on education and learning. I may be further accused of trying to increase the deficit but there is a proverb বোঝার উপর শাকের আটি..... This is not the last straw on the camel's back. This budget has nothing more to criticise item by item. It is a budget that should be thrown out at once and replaced by a truly nation building budget of the most progressive type. The Finance Minister has very rightly hit upon the point of improving the taxable capacity of the people by developing the wealth and resources particularly in the field of agriculture and industry. But the command of his party is there to stifle any attempt on his part in this line and reduce his expectations to a dream. Each and every item of this curious budget which I think the Finance Minister has presented to the House just to please his party is sure to be passed by the "brute" party majority—the party crying against majority oppression may take note of it.

Sir, I again appeal to the Minister in charge to withdraw the budget, recast it to the best advantage of the common man of Bengal so that none may feel that he is unjustly ignored.

**Mr. BIRENDRA KISHORE ROY CHOWDHURY:** Sir, rising to speak on the budget before us, I regret I cannot congratulate the Hon'ble the Finance Minister. The financial position as set forth in his statement is not a satisfactory one. I would rather call it gloomy. It has been stated that under the revised estimates for the current year the deficit is likely to be more than 13 crores which, as this House should remember, represented before the war the total amount budgeted for in this province. In the coming year also my friend, the Hon'ble the Finance Minister, has not held out any prospect more satisfactory. In fact he has told us that he has already estimated a deficit of 6 crores, which, he warns us, is most likely to swell to 12 crores if the recommendations for increased salary scales for Government servants are to be given effect to. As the salary scales will have in any event to be revised, it may virtually be taken for granted that the Government will have to put in an extra expenditure of 5 to 6 crores or even more for this purpose. So there appears to be no doubt about it that the deficit in the coming year will be practically as large as the deficit with which the Government is confronted in the present financial year. No Government can look on with equanimity when it cannot find money sufficient to meet about one-third of its normal expenditure. The future of India as also of this province is of course on the knees of God. We do not know on what basis the relations between the Central Government of this province will be determined after a year from now. Whether in view of the coming changes negotiations with the Government of India which, the Hon'ble the Finance Minister states, have been started for readjustment of Bengal's financial position have any value, I do not know. But, Sir, I wish the Government of Bengal success in this regard.

I would not, Sir, go so much into what has been done or left undone in the current year. All that I would point out is that in the year which is now coming to a close the Government of India made available to Bengal 10 crores 45 lacs for working non-productive schemes of development and more than another one crore and a half for executing productive projects of development. Unfortunately, although Bengal requires development in every field, the Government has left unsent about 4 crores of this sum. It is still more unfortunate that a portion of the unspent amount could have been expended without any difficulty and this would have yielded results in the long run more productive than any other item of expenditure. I am referring, Sir, to the pittance of 10 lacs which was originally allotted for post-graduate research. It is regrettable that the money so allotted was not spent. In Irrigation, in Agriculture and in Civil Works also the

Government found it unable to work out the schemes. The year we have passed through has of course been abnormal but would I be ungenerous if I say that abnormal times require super-normal energy and drive on the part of those who constitute the Government.

In the year 1947-48 the total estimated expenditure is nearly 54 crores or four times as much as the expenditure in the year before the war. In those days we could not visualise that it would be the lot of a provincial Government like that of ours to have the privilege to undertake such a huge expenditure. Many people then thought that if a few more crores were at our disposal a new heaven and a new earth might possibly be created. But although we are now in for an expenditure four times as much there is hardly any likelihood of the face of this disfigured province being much improved by such a lavish expenditure. It is true that the value of the rupee is no longer what it was in those days. But all the same 54 crores is a huge sum, which, if expended on right lines might have resulted in some permanent benefit to the province. It is however unfortunate that the budget estimates as presented to us bear witness to the wrong angles from which the present Government of Bengal is approaching the problems that are before us.

First of all I may take up the Government policy in respect of development projects which it contemplates to undertake in the coming year. The total amount which has been earmarked for these purposes is near about 16 crores. Much if not the whole of it represents grants from the Government of India. Everybody who knows Bengal will at once admit the many sided improvement which this province requires in the immediate future. India herself is a backward country in most primary matters and due to neglect and indifference on the part of the Government and its administrators during the last twenty-five years this province has become more backward still than many other parts of India. While several other provinces like the Punjab, Madras, Bombay, United Province and even Bihar exploited fully the opportunities offered by the reform of 1919 and 1935 for constructive improvement, we let slip these opportunities and our conditions in matters of education, public health, agriculture, road-building and other primary subjects deteriorated from year to year. The war whose brunt fell most cruelly on this province and the famine of 1943 which the war brought along with it had left deep scars on the face of Bengal. Consequently, Sir, any money that is spent for purposes of development should be welcomed by all and sundry. Unfortunately we find that the 16 crores which the Government is intending to spend during the coming year will be spent virtually without any well-planned scheme behind the expenditure. Otherwise how is it possible that when more than a crore of rupees is being earmarked for educational development, not a farthing of it is devoted to University education and research. I have already referred, Sir, to the fact that in the budget estimate of 1946-47 there as a provision of 10 lakhs for Post-graduate research. But in the revised estimate it was cut and in the estimate for the coming year no such provision has been included. This is only an indication of the angle of vision from which Government policy is now being directed.

We find in the statement of the Finance Minister a reference of 10 lakhs for the Muslim education fund, 10 lakhs for the scheduled caste education fund and 16,000 for the Budhist education fund. I do not grudge, Sir, the expenditure provided for under these heads. But I should emphasise that just as an education fund is necessary for the Muslims, for the scheduled castes and for the Budhists, so it is equally necessary for the remainder of the people. It cannot be said that those Hindus who are not included in the scheduled castes are all of them so prosperous as to fend for themselves. Just as there are prosperous people now among the Muslims so there are prosperous people among the caste Hindus. But poverty and destitution

are unfortunately not confined to any community in this country. Why then this discrimination? A huge sum is again to be spent for developing the Islamia college on a new site for which 2 thousand acres of land are to be acquired. A provision of 4 lakhs has already been made to undertake civil works in this connection and many times more money will be spent to complete the scheme. I would not object to these better facilities for collegiate education among Muslims provided such facilities were placed within reach of the people of other communities as well. The Government is the Government of Bengal though its directory is now mostly composed of the Muslims and it is expected that it would look to the interests as much of the Muslims as of the Hindus. But it seems that the policy of the Government appears to be to pamper one community at the expense of the other. No Government can possibly proceed with such lines of action without arousing the deepest indignation of even the most sober section of the people who are being denied to-day all facilities for progress.

What is true of the Government policy in respect of education is also equally true in matter of medical aid. The only noticeable special grant which, my friend, the Hon'ble the Finance Minister mentions in his statement is the grant of 2 lakhs 36 thousand to the Islamia Hospital. This is again a very clear indication of the outlook of the Government which is now ruling Bengal. The Hon'ble the Finance Minister has with pleasure referred to the improvement which statistics show in respect of death rate in this province. Malaria and other diseases are reported not to have taken their due toll in the year under review. But I should point out, Sir, that the figures are still not such as to congratulate ourselves upon them. All the diseases are still there not only sweeping over vast tracts but also larking in other places in nooks and corners to take their toll circumstances may permit. Unfortunately, Sir, we find in the development projects for public health reference to only the insignificant sum of 96 thousand for malaria control in Bengal. I do not know what the Government will do with this sum. It is time that somthing more serious and more comprehensive was done by the Government for controlling malaria which is devitalising our people from year to year and making them increasingly unable to branch out into activities so necessary for making Bengal prosperous and progressive. The Government of Bengal should konw of the activities of the Central Anti-malarial Society with its headquarters in Calcutta. I believe that Society could have claimed greater co-operation and assistance of the Government than it is receiving today. If public health in Bengal, Sir, is really to be improved and the people are to be given opportunities of leading a healthy life, more tinkering will be of no avail. I do not find in this budget any indication of a new scheme to be operated in this field. The basic plan still remains that which was introduced more than twetny years ago with results of which the Government of Bengal is certainly not proud. Meanwhile as every one knows the Government of India appointed a Committee for public health survey under the Chairmanship of Sir Joseph Bhore. The report of that authoritative Committee has now been before the public for nearly two years. I want to know, Sir, if the Government of Bengal had considered the long term and short term consideration in this budget which is largely a development budget. A sum of one lakh of rupees for propaganda purposes will not certainly result in the people of Bengal being more public-health conscious. What can be done with only one lakh of rupees in the 26 districts each of which is almost with area and population of a small state. It is regrettable that neither a plan of its own has been formulated by the Government of Bengal nor has the plan formulated by the Bhore Committee received any attention on its part.

Sir, I would not like to dilate further upon this budget which has left us deeply depressed. I wish this Government which is to all intents and purposes a Muslim League Ministry had shown a wider and a more liberal

outlook in framing the budget and in running the administration. There are many who would of course point out that a wide outlook and the basic tenets of the Muslim League are inconsistent. I, for one, Sir, while attaching a good deal of importance to the organisation to which I belong attach still more importance to the person himself. And I believe that men may always rise abve the tenets of the organisation of which they are the torch-bearers. I expected therefore that my friend, the Hon'ble the Finance Minister and his colleagues would in presenting this Budget rise above the exigencies of party politics in Bengal and give every man his due. I wish however that in the future they will be working for a more liberal policy so as to make Bengal healthy, wealthy and contented.

**Mr. NUR AHMED:** Sir, with your permission I wish to make a few observations on the budget so ably presented by the Bengal's most young Finance Minister. Sir, I first congratulate the Hon'ble the Finance Minister on the presentation of the Budget which cannot but be described as a nation-building budget to a larger extent. This budget has been attacked from many aspects and I do not like to answer to all of them. I would like to say that members of this House feel very little enthusiasm over the discussion of the budget estimates because the constitution has given very little effective power over the finance of this province to this House. Ours is an academic discussion and therefore we do not feel very much enthusiasm over it.

My first point would be about the allocation of contribution to Bengal by the Centre. In this connection I would refer to that unjust and inequitous Meston Award. The Central Government was in difficulty and they wanted money from the provinces and Mr. Meston was deputed for this work. A report was submitted by him in which Bengal was very unjustly treated. It was calculated at that time that Centre got Rs. 28 crores from Bengal and it was given only 7 crores, i.e., 25 per cent while Madras about 8 crores, i.e., about 40 per cent. and Bombay and other provinces were given about 60 per cent. Bengal has the largest population and is one of the biggest industrial provinces with its big port of Calcutta. Bengal represented to India Government for some more contribution but no heed was paid to it. This question was again gone into by the Joint Parliamentary Sub-Committee when the question was raised before them and they also recommended that Bengal should receive special consideration from the Government of India but no heed was paid to that also, and the injustice to Bengal remained unremedied. Then came the Niemeyer's award. Before the Awrad was given Bengal had strongly presented her case. Even His Excellency the Governor of Bengal put up a very strong fight but the result was that only the share of the jute export duty was raised from 50 to 62 per cent. and 20 per cent. share of the divisible pool of income-tax was given to Bengal and as such Bengal was placed on a par with Bombay. Sir, Bombay has only less than half the population of Bengal. Such being the case how can Bengal be placed on a par with Bombay? Bengal contributes, according to some calculation, 28 crores to the Centre. According to other calculations, with surcharges and the excess profits tax she contributes about 33 crores or more of rupees as income-tax to the Centre. In return she will get only 7 crores out of this 28 or 38 crores or more. Sir, owing to this injustice her resources are crippled permanently and she is lagging behind and her many-sided needs cannot be fulfilled and cannot be ministered to. Had not the Hon'ble Finance Minister taken courage in both hands he could have balance the budget by making drastic cuts under the head "Nation-Building Departments". Of course it reflects great credit on him that he was courageous enough to face the deficit in his budget and yet o provide larger sums under heads "Public Health", "Medical", "Agriculture" and "Education" and thereby providing more amenities and more comforts for the masses of Bengal. Surely he deserves thanks for this.

Sir, it will be said that the Bengal's budgets, both the revised budget for the current year and the budget for the coming year, show a deficit of 13 crores and 6 crores respectively, and it may be argued that this 6 crores deficit in the next year's budget may be enhanced to about 12½ crores or more because there remains the big items such as the recommendations of the Pay Commission, and these recommendations may increase the expenditure by 6 crores. There is also another item, the introduction of free and compulsory primary education in Bengal which according to Government estimates will cost the province 3 crores of rupees as capital and Rs. 80 lakhs as recurring cost. This has not been provided for in the budget. Sir, I strongly support the Finance Minister in his demand for the revision of financial settlement with Bengal by the Centre and also for subventions from the Centre to make up the deficit which they can justly claim from the Centre.

Sir, it is a known fact that jute is the monopoly of Bengal and the Centre realises more than 5 crores of rupees from Bengal as jute export duty. But Bengal gets back only, according to the present year's budget estimates, 2 crores 80 lakhs. If Bengal is given the full amount of the jute duty realised by the Centre then it will get more than 5 crores in all. Or if Bengal is given at least 40 per cent. of the income-tax realised from Bengal, then Bengal can easily make up its deficit.

Sir, I now come to two most important omissions in the budget. It will be said, and I think it has already been condemned, as to why there should be a provision for Muslim education. I have drawn a picture of Moslem education in this House more than once and I do not like to repeat at length the figures which will show the condition of Muslim education which is most miserable in Bengal. Sir, Bengal with its majority of Muslim population is lagging behind in the most important field of life, namely, education. Even in the most primary stage the Muslims are most backward. It may be said that according to the latest figures given in this House, about 17 lakhs of Muslim students are reading in the primary stages. If we analyse the figure, we find that 54 per cent. of Moslem students are in the primary stages and the number has dropped down to 26 per cent. in the middle stages—from 17 lakhs it has come down to 5 lakhs. In the higher stages, that is, up to the matriculation stage, we find that their number has come down to 70,000 from 17 lakhs. I ask honourable members of this House to realise the gravity of the situation and see how useful human material has been wasted, the energy and money spent on these 17 lakhs students. We also find that 17 lakhs have come down to 7 thousands in arts colleges.

This is the picture of Muslim education in Bengal, Sir, and if under these circumstances any extra money has been allotted for Muslim education I ask my nationalist friends on the other side to welcome this provision. It is said that in India there is only one nation and that the two-nation theory is wrong. In that view, Sir, I ask my nationalist friends with all respect if the Hon'ble Finance Minister has done anything wrong by alotting a special amount of money for a part of the nation. Sir, Muslims have suffered long for want of education. I may remind my nationalist friends again to read Muslim history and then learn what a magnificent and widespread system of education prevailed among the Muslims who once possessed India in the early days. I would ask them to read the resumption proceedings, I would ask them to read the history of the early British rule in India and in Bengal. What you will find is that the system of education which was provided for Muslim by the Muslim Government was very magnificent. You will find how unjustly the Muslims were treated in the matter of education under the British rule. There was a separate endowment of Rs. 3 crores for Muslim education in Bengal. It will be found in the book entitled "Discovery of India" written

by Pandit Nehru showing how Muslim education suffered for lack of sufficient facilities for their education and culture. This is not the only authority. This is not my own personal opinion, but this is also the opinion of W. W. Hunter. He described in his book how the national system of Muslim education was ruined by the British in Bengal. Again, Sir, that great lady, Dr. Annie Basant also testified to this fact that once the Muslims in India possessed a very widespread national system of education which used to produce great administrators, great diplomats, great scholars and men of great learning. Sir, this endowment which was dedicated for Muslim education was taken away by the Britishers by the resumption proceedings in Bengal and since then no steps were taken to facilitate the progress of education of the Muslims. It will also be found from the report of the Calcutta University Commission of which late Sir Ashutosh Mukherji was one of the prominent members, that they also realised the drawbacks from which the Muslims suffer for want of proper education and recommended that separate Moslem schools and colleges, even a University for the Moslems should be started to impart suitable education congenial to their tradition and culture. They also recommended that the educational system should be reconstructed, especially the University and the Moslem scholars should be invited, not only from Bengal but also from the whole Islamic world so that they may teach the Moslem in an atmosphere congenial to them. These are all historical facts which are on record and there is no getting away from them. It is very regrettable to note that because some paltry sum, compared with the need for Muslim sudaction, has been allotted for the Muslims there have been bitter criticism from the opposition benches and these small grants are being objected to. The small sum of Rs. 10 lakhs for Muslim education is nothing when compared with the mass illiteracy among them. This sum has been provided in accordance with the resolution which was moved by me and was adopted unanimously by this House on the 11th August 1938. Sir, the Government of Bengal slept over the resolution and woke up recently in 1947 to give effect to this resolution. All these years the Government showed scant justice to the education of the Muslims. The Muslims have got a meagre standard of education according to the needs and requirements. I mentioned above about the woeful wastage of human material in the primary stage. All the Committees and other bodies appointed to enquire into the condition of the Muslim education express the view that it is in a very backward stage. I do not like to speak in detail why it is so but I may only say that it is believed that non-introduction of free and compulsory primary education is the root cause of it. We find that in England a provision has been made to compensate the guardians who would send their boys for receiving education instead of helping them in their earning. There is a provision in the English Education Act of 1944 whereby every guardian of a boy will get some compensation for sending his boy to school. In Bengal we cannot go up to that length. Here in Bengal some guardians suggested that they would not send their children to school unless they get some compensation. I think we should introduce free and compulsory primary education in Bengal without delay. There is a demand from all sides that there should not be any more delay about it. Inspite of that I am surprised to find that in the Blue Book containing post reconstruction plans there is no scheme for free and compulsory primary education in Bengal. It is true that it requires money but at the same time it is the duty of the State to provide this money to give its citizens the minimum of elementary education. No civilised State can avoid it. It has been stressed by various Commissions and Committees that primary education is necessary and it is the basis and foundation on which structure of the nation's progress and advancement depends. There cannot be successful labourer or enlightened citizen without education. A citizen unless he is educated cannot take any useful part in various elections. This point

should attract the attention of our Finance Minister. But I am afraid this matter will not be given his immediate attention. From the speech of the Hon'ble the Finance Minister I find that Government scheme will spread over 5 years and that means that one district one year and therefore it will take 30 years to cover all the districts. Bengal cannot wait so long. Then there is no provision for the Muslim University in Bengal. Sir, I find that a Muslim deputation consisting of all then leading Muslims of India headed by Aga Khan waited upon the Viceroy, Lord Minto, on the 1st October 1906 at Simla and stressed that they wanted a Muslim University where they can cultivate their culture and which would serve as centre of culture and tradition. It has also been mentioned by the Calcutta Commission, Mr. Hunter and others who have gone into the question of Muslim Educational backwardness. They cannot improve their culture in the uncongenial atmosphere provided by the present-day schools and colleges and the University. Of course it is true that Muslims in the past had not much of a leaning towards modern education but now there is no apathy amongst the Muslims. They are also yearning for education but they find that the atmosphere which prevails is not congenial to their genius. So there is the imperative necessity for a separate Muslim University in Bengal in addition to the two Universities already existing a third University is a necessity compared to 1720 Universities in the United States of America with a population more than double that of Bengal. There are more than two most up-to-date Universities in Turkey for a population of 1 crore 70 lakhs. Surely 3 crores and 50 lakhs Muslims can demand that there should be a separate University of their own in Bengal. Sir, it may be pointed out that there are already many unemployed graduates. My answer to that is that yet the number of students who are getting University Education in India is very small compared with that of England, America and other civilized countries, and even in comparison with Russia. I do not like to take more time of the House by quoting figures. There are 12 Universities in England for a population of 4½ crores; 13 Universities in Canada for a population of 85 lakhs; 6 Universities in Australia for a population of 55 lakhs. In the United States of America there are 720 Universities for a population of 13 crores while in Bengal there are only 2 Universities for more than 6 crores of population.

Sir, these comparative figures can clearly prove that there is need here for more Universities. So the demand for a Muslim University is not unreasonable, and there cannot be any reasonable objection to this. In this connection Mr. Tamizuddin Khan, the then Education Minister, called a conference in 1944 to consider the question of founding a Muslim University in Bengal and an expert committee was appointed in that conference. Since then nothing has been heard of the activities of this committee. So I would request the Ministry to found a Muslim University without any delay. As regards what sort of University it will be, I leave that to the experts.

Then I come to the question of prohibition. In Bengal this question of prohibition has not been seriously taken up. Bengal has only introduced a policy of gradual elimination of excise shops. From the working of this policy it appears that even within 100 years this scheme will not attain any fruition. It may be said that Bengal is in hard times with a deficit budget of a huge sum and cannot afford to lose a revenue of about 3 to 4 crores of rupees a year. But, Sir, other provinces which are not very well off, they are also doing this at a sacrifice of their excise income. Bengal's income, moreover, has increased from 11 crores up to 30 crores; new taxes after taxes have been imposed upon Bengal, with the result that Bengal's income has almost trebled.....

**Mr. LALIT CHANDRA DAS:** Sir, on a point of order. Is it not the practice that during budget discussion the Finance Minister should be present in the House.

**Mr. PRESIDENT:** He is coming back soon; he has just gone out for a few minutes.

**Mr. ABDUL RASHID:** At any rate, Sir, I am here, taking notes for him.

**Mr. LALIT CHANDRA DAS:** Your presence will not do, Mr. Parliamentary Secretary. The Minister himself ought to be present.

**Mr. PRESIDENT:** Go on, Mr. Nur Ahmed.

**Mr. NUR AHMED:** As I was speaking, Sir, I need hardly say that this question of prohibition is as vital as any other thing for the masses. We know what ruin and misery the drink habit brings upon the drunkard and his family; I think this is well known to everybody. If the Government truly calls itself a Muslim League Ministry then it should tackle this question very seriously, to save the people who are mostly of the labour class and are very poor, and the devastation wrought by this habit is very considerable in Bengal. Sir, in Chittagong I am surrounded by many excise shops and I know what this means. Very promising men take to this habit and not only ruin themselves but ruin their families also. Many prosperous families have been ruined by this habit. So I appeal to the Finance Minister as well as to the House to take up this question quite seriously.

Now I shall come to Chittagong before I finish my speech. Chittagong suffered very much on account of the war. Practically it was a war zone and as a result of this the educational system here was smashed altogether, and the normal life has been dislocated. I find no grant for Chittagong—only Rs. 10,000 for excavation of khals. Before the war commenced there were projects for raising the Khastgir High English School for girls to the standard of a college as there was no college for girls in the Chittagong Division, but nothing has been done about it. There was a scheme for a boarding house for Moslem girls as there was no boarding house for Muslim girls attached to the Khastgir H. E. School for girls. This too was not proceeded with. We are suffering very much for want of a college and a boarding for Muslim girls. Schemes for these were sanctioned, land was acquired and then the war broke out and everything was stopped. Chittagong College is the only college maintained by Government in the Chittagong Division. It cannot accommodate all the students who want admission. The extension of this college was proposed but that proposal has been postponed. Now there was a scheme for a female training school in Chittagong, but on account of the war that too was postponed and as compared with other provinces, this province suffer very much for want of proper female teacher training school. I think, Sir, there should be more colleges in the Chittagong Division as there is only one college in Chittagong Division.

With regard to Medical school in Chittagong, there was a proposal to turn the present medical school into a college. But I find no provision in the budget for this. I find that the Ministry has paid too much attention in this respect to Calcutta and Dacca as if other districts do not require any attenion. Other districts are getting very little attention from the Ministry. My submission is that these medical institutions should be scattered all over the province, so that students will not have to run a long way to have their education and they would get it in their own district at a much lesser cost in the mofussil. Here in Calcutta they find it very difficult to get accommodation and also to live comfortably as living is very costly in Calcutta. If these schools and colleges are scattered all

over the province they could get education at much cheaper cost in colleges in their own districts. I appeal to the Hon'ble Finance Minister to consider these needs of Chittagong and to see that they are removed without further delay. I regret to find that the Hon'ble Education Minister is not present. I appeal to the Hon'ble Finance Minister to take steps to convert the present Medical School at Chittagong into a College.

Another fact to which I would like to draw the attention of the Hon'ble Finance Minister who is also Minister for Public Health and Medical, that re-excavation of tanks in Chittagong is a very important item. Chittagong is a land of tank and within the municipal area there are about 1,000 tanks. If these tanks are renovated and developed it will be a great source of profit and it will greatly benefit the people. Fishery could be very successfully developed and the banks of these tanks could be utilised for cultivation of vegetables and fruits. It will at the same time serve as irrigation tanks for cultivation and for other purposes. I bring all these facts to the notice of the Hon'ble Minister in the hope that he will do something in this direction. I find with great regret that provision for re-excavation of derelict tanks made in the revised budget has been omitted from the budget of 1947-48. These are the few items to which I draw the attention of the Hon'ble the Finance Minister and I hope the Finance Minister will reply to them. Unfortunately the Education Minister is not here but I hope Hon'ble Finance Minister will reply to these points. Lastly, Sir, I appeal to the Hon'ble Finance Minister to consider another fact that Bengal's present condition of the masses is very deplorable on account of the disturbances and for many other factors and the poor classes are living from hand to mouth and their condition is getting worse day by day. Some provision should be made for raising the standard of living of the poorer masses. Sir, I find from the allotment under the head "Co-operative" that no such scheme has been provided in the budget and I do not find any indication of any scheme for the improvement of the condition of the masses through the co-operative societies. In Bengal the co-operative movement may be said practically to be a failure. I would ask the Hon'ble the Finance Minister to look to the Punjab as to what they have done through co-operative movement. They have raised their standard of living. Bengal has not aken up this question seriously. Sir, I am myself connected with some of the co-operative societies and I know that we lack in the spirit of co-operation. We do not know what is the meaning of co-operative spirit. There is no propaganda to infuse in us the spirit and usefulness of co-operative movement. Sir, the other day I put a question to the Hon'ble Minister for Co-operative and he said that there was no saving scheme for the poor in Bengal. He also said that there was no necessity for making any compulsory saving scheme for the poor. In Chittagong we have been running one co-operative society, namely, Traders' bank and I know how to work it. There is a compulsory rule in this bank that every member must deposit at least -/8/- a month and this has been working very satisfactorily. There a man can save in 10 years as much as Rs. 100, 200 or 300. Before the start of this bank the people used to borrow at a much higher rate now they can borrow from their own saving at a concession rate. Only change of rule is necessary.

Now, as regards the development schemes that have been drawn up by the Government of Bengal, it is a known fact and it has been admitted in answer to a question put by me that all these schemes were prepared by Government during the 93-regime. It appears that some of the schemes have been put into operation but before putting into operation all these schemes, they should be revised and scrutinised in the light of experience. Expert opinion should be obtained in each scheme. I know that experts sometime differ and they actually differ. Sometimes different experts give different views. A handwriting expert sometimes differs from another handwriting expert. Sir, I find huge sums will be spent on these development

schemes. And I appeal to the Hon'ble Finance Minister and the Ministry to look into this matter carefully. Sir, sometimes schemes are drawn up without looking to the real condition of Bengal. Sir, conditions in Bengal differ from the conditions in other countries. That fact is not always taken into consideration. A huge sum of about 12½ crores will be spent on these schemes and we the members of this House can reasonably ask the Government to see that this money is well spent and produce the desired result and benefit the masses to a great extent.

Sir, another matter I want to speak on is this. As regards abolition of Zemindary I find nearly 37 lakhs has been provided for the Revisional Settlement Operations. We found a small provision for this in the current year's budget and we find it as 37 lakhs in the next year's budget but there is no indication that the scheme will be put into effect in all the districts. Sir, there may be difference of opinion about the obligation of zemindars but it has been stressed by all the Commissions that Bengal's misery and Bengal's backwardness is largely due to the prevalence of this system which is eating into the vitals of the masses. No land improvement can be effected unless this system is abolished. Sir, it is not my humble opinion alone; it is the opinion of experts who have gone into this question carefully. It has been stressed even by the latest Famine Commission that Bengal cannot grow more food, that there cannot be an all-round improvement in agriculture unless this vicious system is done away with. Why this delay in giving effect to this very important reform in Bengal? Sir, I wish that this had been done at least in some districts of Bengal but I find nothing except that for the Revisional Settlement an allotment has been made and it will be continued next year. I do not know when it will be given effect to. I with all respect ask the Hon'ble Minister and the Ministry not to dilly-dally and shilly-shally with this important matter on which depends the future prosperity of Bengal.

Sir, I find 5 lakhs has been provided in the budget for Secondary Education. I do not know whether this sum is for giving effect to the Secondary Education Scheme and whether the Secondary Education Board will be established as a result of the Secondary Education Bill that is to be passed into law. Sir, the establishment of a Secondary Education Board in Bengal is necessary for an all-round improvement of secondary education. I do not view this question from the narrow communal point of view but from the efficacy of a proper system of secondary education so that our youths can struggle for their existence with greater equipment and courage. Sir, the present educational system produces some clerks who are unsuited to the hard struggle of life and so they are only adding to the number of unemployed in Bengal. Sir, education should be reoriented, education should be reformed in such a way, should be reconstructed in such a way so that the products of the schools and colleges and University that are turned out are enabled to face the world with all the preparation and equipment that is required for leading a happy life with employment for all in this hard world. Sir, I appeal to the Hon'ble Minister that the Secondary Education Bill be passed and the Board established in Bengal at an early date.

Lastly, Sir, I appeal to my friends on the other side not to consider this matter from a communal point of view. There is nothing communal in this budget. Moreover, I would ask my friends if they think that the very occurrence of the word "Muslim" in the budget is repugnant to them. How can they expect Muslims to live with them together in Bengal who is said by them to form a part and parcel of the same nation if the Hindus grudge them any extra amounts for their backward education. Sir, it is this sort of mentality, I say with all respect to my Hindu friends, that has actually accentuated the differences in this province. It is very

unfortunate that today when we are going to get the long-sought independence in 1948, we should be still divided. We must rise to the occasion and consider the matter from the point of view of a whole nation. You should see that here is your brother Muslim who has been lagging behind you for want of many things and who should now be equipped with the resources for the very hard struggle of maintaining the independence that will come to them. My friends should know that the great Muslim nation will not remain under them for ever. If they read Muslim history they will learn that the Muslims are a virile nation and they will not submit to anybody's oppression. Therefore it is better to equip them with all facilities and to educate them. Finally, Sir, I appeal to my friends of the opposition not to criticise any provision for Muslim education from a communal point of view.

**Rai Bahadur JOGENDRA NATH RAY:** Mr. President, in presenting his deficit budget before the House Hon'ble Mr. Muhammad Ali starts his speech by lamenting over the "misfortune that efforts and resources should at this juncture of the country be dissipated in strife and discord which not only jeopardise the chances of economic recovery but also shake the very foundations of social security". Though he takes the garb of injured innocence it is nothing but his pricked conscience which perhaps torments him after the Calcutta and Noakhali carnages. Or is it simply sham sympathy shown only to browbeat the House and hoodwink it into passing a budget in which as the Minister says "the disturbed conditions left their mark" and thus forced the hands of the Minister into earmarking large sums to appease the wrath of the majority party upon those support his present position depends.

Failing to make both ends meet in his budget, Bengal's Honourable Chancellor appears in the role of a beggar to the Central Government for subvention over and above the Centre's grant for non-productive reconstruction schemes. This is one side of the picture and on the other side his political chief Mr. Suhrawardy is proclaiming from housetops that Bengal will declare independence and the eastern Pakistan will be the citadel of Muslim culture and consolidation. Yet the tragic fun is that the bulk of money thus taken in the name of Muslim culture and consolidation comes from the non-Muslims—the hapless minority in their own province—the Hindus, who made the province what it is and upon whose sacrifices and privations the League is lording over. If the province has to depend upon the Centre how can they hanker for a separate Pakistan? Is it only a slogan to keep the flames of communalism burning? For the League knows that if the fire is lost, Pakistan falls through. The switchboard of the Pakistan current is in the possession of League leaders and the Bengal budget is to supply finance for the generation of that current. The Central Government subvention will only help the consolidation of the communal frenzy and the corruptive practices whose story is told in the pages of the Woodhead Commission.

Coming to details of the schemes of expenditure, one wonders if communalism could go further. The persual of the budget will reveal the mentality of the Ministry which considers that Pakistan is already an accomplished fact in Bengal and the non-Muslims are there only on sufferance and at the mercy of the majority. They are to rest content on the pittance of the League, the less crumbs that might fall from the League table. The list of expendiutre, namely, Rs. 10 lakhs annually for Muslim education fund, Rs. 1½ lakhs for hostels for Muslim students, Rs. 1¼ lakhs nearly for Islamia Hostel, Rs. 51 lakhs already spent for Bihar Muslims, Rs. 54 lakhs for them in the ensuing year, Rs. 2 lakhs nearly for Madrassas, which shows that perhaps there is no other community in Bengal save and except the Muslims. But for all these the University College of Science has to be deprived of 9 lakhs required for its much needed expansion.

Strengthening of the police force will drain a heavy sum in the next year. That the inefficiency, pretended or actual, of the police force, is an open secret, no one will deny. But the virus of communalism has got a strong hold upon the minds of the guardians of Law and Order. Can additional expenditure for that department stamp out and eradicate this poison from their minds? No, not even the monstrous pretention of Mr. Suhrawardy to maintain the Law and Order by promulgating not less than 14 ordinances, can effectively deal with the anti-social elements of the province if the police force is saturated with corruption and communal poison. The result will be that these powers given to the executive will find inevitable expression for personal and sectional aggrandisement and for suppression of legitimate political and humanitarian activities of the Congress and other nationalist organisations.

The boat construction scheme of the Government has become in their own admission a bottleneck to them in post-war days. A loss of 1½ crore of good money of the people is being simply pushed through the legislature by the force of a brute majority and the brunt of the burden is now borne by the community now in the opposition. May I urge in this connection that there should be a thorough enquiry into the maladministration which has led to the huge expenditure of this grant.

The Hon'ble Minister in estimating his incomes for the ensuing year presupposes that "condition will continue to be normal". If this assumption is well grounded, the Minister should be thanked for at least giving this hope of normality of relations. Does he give this on the hopes that sufficient money has been allocated to his partymen so as not to excite them with communal frenzy again?

The Hon'ble Minister's statement is really interesting when he says that the House would be interested to know that a sub-committee of the cabinet was carefully looking into the question of possible reduction in staff of the Civil Supplies Department. So bad days are ahead for Civil Supplies Department whose uncivil administration and still more unsocial activities were open scandals for the Ministry whose eyes have now opened.

The revision of pay scales will burden the provincial revenue to the extent of 6 crores. I do not know if the officials merited this increment for the efficiency they have shown during the last famine, Noakhali and Calcutta carnages and if they deserve these in the light of the prevailing circumstances of the country. Side by side with this, there is the Finance Minister's proposal for a drive for checking corruption, and inefficiency in officials and evasion of tax dodgers. Does it mean that the officers are to be compensated by increase of salary when there is an attempt at drive against corruption and evasion? But it is very doubtful if the Ministry which thrives on communalism can effect any improvement if it has to keep itself in power. It will be telling a plain truth that the present Ministry has created such an atmosphere in every branch of administration that it has become a standing scandal for Bengal Government.

With regard to the nation-building heads, I find that money has been allowed to remain unspent and entire schemes have been abandoned half-pursued or unpursued. In this connection I respectfully draw the attention of the Hon'ble Minister to the irrigation problem of the West Bengal, particularly of Burdwan district. It is a matter of regret that although huge amounts were sanctioned year after year for irrigation projects no practical steps were taken to execute the schemes which always remain on paper.

The Finance Minister has sought to present an optimistic picture before the House and says that time is ripe for agricultural and industrial development. But this platitudinous fulminations of Bengal's Chancellor of the Exchequer are not supported by the details of the budget presented to the House.

The budget lacks foresight, is communal with a vengeance, is lacking in that perspective of seeing things in their inter-related and inter-communal aspects and bespeaks of a frankly sectional partisanship. It is political and not humanitarian, communal and not broad-based and avowedly it is a party Budget which is a scandalous muddle of big money and communal mind.

**Khan Sahib MOBARAK ALI KHAN:** Mr. President, Sir, both the revised and the original Budgets show that we are to face huge deficits in the current as well as in the coming year and this state of affairs will occur in years to come. The Hon'ble Finance Minister suggests two measures to meet those deficits (1) Revision of the Financial Settlement between the Centre and the province pending which to ask for *ad hoc* financial assistance from the Government of India from year to year and (2) taxation in future. I perfectly agree with the most important statement made by the Hon'ble Minister which runs thus—"It is well to remember however that enhanced yield from taxation depends very much upon improvement in the taxable capacity of the people and the latter in turn depends on the development of our economic wealth and resources particularly in the fields of agriculture and industry". But I am sorry to see that the Hon'ble Finance Minister has stopped here and has not stated what he wants to do regarding the development of our economic wealth and resources particularly in the fields of Agriculture and Industry. But what do we see in the budget figures? And that is this—under head "Agriculture" Rs. 41,45,000 was provided in the Budget for the current year whereas Rs. 27,12,000 is being provided in the Revised Budget and Rs. 60,62,000 in the Budget for the year 1947-48. And under head "Industry" also we see that Rs. 31,63,000 was provided in the Budget for the current year whereas Rs. 4,84,000 is going to be provided in the Revised Budget and Rs. 27,54,000 in the Budget for 1947-48 out of a total expenditure of Rs. 52 crores. This state of affairs is not at all satisfactory. When we all know for certain that the economic resources of our country depend on the development of Agriculture and Industry we should divert our entire energy in this direction. The sums provided in the Budget were nominal in consideration of the importance of Agriculture and Industry and in the actual work even that nominal sum is not going to be spent. The Hon'ble Finance Minister has also said "What group or party is there which does ot aspire to improve the lot of the masses, to lift the cultivator out of his tragic poverty and ill-health, to infuse a ray of hope where there now broods the darkness of despair. Where such are our common ideals and objectives, there should be no obstacle to a united effort to secure their fulfilment. All this sounds well but in actuality we see very little ray of hope for the cultivator and I think that in order to please the cultivator a tebhaga bill or barga bill is going to be introduced in order to show that this is their ray of hope. But will this Bill if passed into Act produce any actual benefit for the country as a whole? Certainly not, for several reasons, viz., (1) By this Bill or Act the material resources of the country will not be increased inasmuch as it will only help taking something from the pocket of one person and giving it to another, (2) By this measure the middle class will be crushed and the cultivator will find no person under whom to cultivate inasmuch as there is already tebhaga because the Bargadar takes by underhand means something before the actual bhag takes place and this being his habit which has grown into second nature he will not be able to give it up and he will go on doing the same even if tebhaga is introduced so that in reality there will be chowbhaga and the Jotedar will have practically nothing left after payment of rent, cesses and taxes, (3) It will affect the revenue inasmuch as taxes hitherto paid by the middle class men will be much reduced if not totally lost and then it will act contrary to the Hon'ble Finance Minister's statement that enhanced yield of taxation depends very much upon the improvement of the taxable capacity of the

people, (4) It will not bring permanent benefit to the cultivator inasmuch as the cost of present system of labour is rising by leaps and bounds and the cultivator whom it is proposed to help will be in the midst of the same tragic poverty in which he is, i.e., he will be in the যে তিমিরে সেই তিমিরে The real task before us is to change the present system of labour and to make it less costly in comparision with the production which it ensures. Neither the Tebhaga Bill nor the Chowbhaga Bill will be able to bring any benefit to the cultivator. There are many other things which may be said against the Burga Bill which I don't like to mention here. I have only stated those matters which arise out of taxation for improvement of revenue and do away with the revenue deficit. The Hon'ble Finance Minister has stated that an officer of the Finance Department is going to be deputed to undertake intensive studies of the budgetary systems and principles of taxation in the United Kingdom, America, Canada and Australia (although Canada is included in America) but no proposal is made for deputation of officers to undertake intensive studies in agricultural systems of foreign countries. It would have been in the fitness of the statement made by the Hon'ble Finance Minister that the taxable capacity of a people depends very much upon the development of agriculture that along with the deputation of an officer to undertake intensive studies of the budgetary systems and principles of taxation some officers of the Agricultural Department would have been deputed to America, Australia and Russia to undertake intensive studies in the agricultural systems of those countries and to apply the same in this country as far as and as soon as practicable in order to lift the cultivator out of his tragic poverty and ill-health. And this policy, if acted upon, will, I am sure, be able to give permanent and substantial benefit to the cultivator and not only to the cultivator but to the counry as a whole. I do not say anything of Industry because our country is an agricultural country and agricultural development should be prior to industrial development.

As regards the Civil Supplies Department most probably Government are aware that the majority of the people of our country specially the cultivators do not like its existence inasmuch as they have to waste time to get supplies and even then they do not regularly get the articles under the control of the department to meet their bare necessities. If the Department cannot remove their wants there is no justification for its existence. Now-a-days mustard oil has become so very scarce that the poor people are cooking their food without oil. We too sometimes have to take recourse to the impure ghee, sometimes Dalda and sometimes til oil. If it is said that scarcity of mustard oil is due to the failure of mustard crop and the Civil Supplies Department has nothing to do regarding its production, then it is the turn of the Agriculture Department to take steps for larger production of mustard. I think nothing has been done to that effect except the general campaign of "Grow More Food". We do not get also regular supply of coal although I think there is no want of coal in the collieries. I hope the Civil Supplies Department will remove these difficulties and justify its existence.

I am glad to see that it has been at least admitted that the guarding and maintaining the Civil Supplies boats involves a good deal of expenditure which in effect is throwing away good money after bad and the Government have decided to dispose of the boats at the best available price and close the account before the 31st March 1947. I hope the Government will not change the decision and dispose of the boats at the price of fuel even in order to save the cost of maintaining these boats.

In the Development programme for Agriculture are mentioned—(1) Training of technical personnel at Dacca, Chinsura, Daulatpur and Gaibandha, (2) Agricultural research at Dacca, and Horticultural research at

Krishnagar, (3) Animal Husbandry at Haringhata, Kalimpong and Chittagong and (4) Reclamation of 5,000 acres of waste land in the grow-more-food campaign. This is good progress towards agricultural development and I cannot but thank the framer of the Budget for this, but at the same time I am sorry not to hear anything done for Kumar Basanta Kumar Agricultural Institute at Rajshahi which was established with the sole local donations amounting to 4½ lakhs of rupees from the late Kumar Basanta Kumar Roy of Dighapatia for agricultural instruction of the people of Rajshahi where 80 per cent. of the population is Muslims and 79 per cent. of the same are agriculturists. I think in none of the above places where agricultural development programme is going to be carried there was any such donation. I think it is the duty of the Government to see whether the institution is of any utility and if the Government see it is of no use they ought to provincialise and then reorganise or reform it in order that such big donation may not be wasted there.

Under Medical and Public Health 3 lakhs, 72 thousands have been provided for the Islamia Hospital. I have seen the Hospital and its working and I think a very good work is being done and the Hospital deserves such a grant and it has been rightly given.

The creation of a Muslim Education Fund is a novel feature of the budget and it deserves praise.

Last of all, I think the Government are aware that the District Boards in Bengal are in a helpless condition inasmuch as their incomes are limited whereas the prices of labour and material have gone up to 3 to 4 hundred per cent. and they have to pay dearness allowance to their officers. The result has been that the roads are being neglected and are going to be impassable day by day, necessary quantities of medicines are not being supplied to the dispensaries. Officers of the Health Department are suffering very much for want of housing accommodation, sufficient dearness allowances are not being given to their officers. But in the budget nothing has been done to come to their help in this direction. With these few words I resume my seat.

**Mr. PRESIDENT:** Do I take it that there are no other members desiring to speak today. I find there are none. The House is adjourned till 2-15 p.m. tomorrow.

## Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 28th February, 1947.

***Members absent.***

*The following members were absent from the meeting held on the 27th* February, 1947:—

(1) Mr. L. I. S. Bourne,
(2) Mr. Yusufali Chowdhury,
(3) Mr. Hemendra Kumar Das,
(4) Khan Bahadur Sheikh Fazl Ellahi,
(5) The Hon'ble Mr. Abdul Gofran,
(6) The Hon'ble Mr. Saiyid Muzzamuddin Hossain,
(7) Mr. Mungtuain Jaipuria,
(8) Mr. Satish Chandra Jana,
(9) Mr. Humayun Z. A. Kabir,
(10) Mr. Syed Abdul Majid,
(11) The Hon'ble Mr. Taraknath Mukerjea,
(12) Mr. T. B. Nimmo,
(13) Khan Bahadur Mukhlesur Rahman,
(14) Dr. Kumud Sankar Ray,
(15) Mr. Biswanath Roy, and
(16) Mr. Haji Md. Yusuf.

WBGP-47/8-3[illegible]

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1947—No. 13.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 28th February, 1947, at 2-15 p.m. being the thirteenth day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## Questions and Answers.

**Mr. PRESIDENT:** Questions Mr. Mazumdar.

**Mr. ABDUR RASHID:** Sir, this question may be held over as the Hon'ble Minister has not been able to come yet.

**Mr. PRESIDENT:** Question No. 63 is held over. Order, order, there is a message.

## Message from the Assembly.

**SECRETARY (Dr. S. K. D. Gupta):** Sir, the following message has been received from the Bengal Legislative Assembly:—

**"Message.**

The Bengal Ordinances Temporary Enactment Bill, 1947, as passed by the Bengal Legislative Assembly at its meeting held on the 24th February, 1947, has been duly signed by me and is annexed herewith. The concurrence of the Bengal Legislative Council to the Bill is requested.

N. AMIN,
*Speaker,*
*Bengal Legislative Assembly."*

CALCUTTA,
The 27th February, 1947.

Sir, I herewith lay on the table the Bengal Ordinances Temporary Enactment Bill, 1947, as passed by the Bengal Legislative Assembly on the 24th February, 1947.

## The Bengal Ordinances Temporary Enactment Bill, 1947.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to give notice that on the 10th of March I shall move for consideration as well as for passing the Bengal Ordinances Temporary Enactment Bill, 1947, as passed by the Legislative Assembly.

**Mr. PRESIDENT:** The Hon'ble Minister proposes to move the Bengal Ordinances Temporary Enactment Bill, 1947, on the 10th March for consideration and passing. The notice of amendments both for the motion for consideration as well as for the clauses of the Bill may be given by 3 p.m. on the 4th of March.

## Presentation of the Supplementary Budget Estimates for 1946-47.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, I beg to present to the Bengal Legislative Council the supplementary statement of expenditure for the current year.

It will appear from the Supplementary Estimate now in the hands of the honourable members that the total amount included in the statement is over 7 crores 16 lakhs and that this excess, for which the necessary explanation has been given under each head, is spread over thirteen major heads of account; out of these thirteen heads, in two cases, viz., under Education and Medical, there is a nominal token demand which is necessary for purposes of audit. As regards the remaining eleven heads the excesses under Income Tax, Stamps, Veterinary, Co-operation and Stationery and Printing are comparatively small and I need not perhaps tax the patience of the House by a recital of the reasons for these demands. Coming now to the other heads, the House will find that the largest individual demand amounting to nearly 3 crores is under Famine due to large scale distribution of gratuitous relief in the shape of foodstuff, clothings and cash payments, besides opening of more test relief works and better management of work-houses with their connected institutions.

The next important item is a demand of over 2 crores under Miscellaneous necessitated by unforeseen expenditure for the relief of riot victims and refugees.

The expenditure of half a crore for the development of Kanchrapara area will be met from loan money obtainble from the Centre for financing productive schemes included in the Provincial Development Programme. The large excess expenditure under Police has been mainly caused by smaller recoveries from India on account of police expenditure, the other factors being larger outlay on police buildings, increased expenditure for strengthening the armed and unarmed police in Calcutta and other districts and provision of better facilities for transport on land and water. Under General Administration several comparatively small items make up the total excess of 24 lakhs and the only important item is an increase of 9 lakhs for post-war unemployment relief where the Revised Estimate has been placed at 28 lakhs against the original budget provision of 19 lakhs. The last item of about a crore under loans includes 50 lakhs for loans to agriculturists, 19 lakhs for cattle loans and 26½ lakhs to the Calcutta Corporation; all these loans are interest bearing and recoverable in due course.

## General Discussion on the Budget.

**Mr. PRESIDENT:** Now, the House will resume the General Discussion of the Budget.

**Mr. KAMINI KUMAR DUTTA:** Sir, I may say at the outset that members of this House have no power either to sanction or to refuse the grants and therefore I shall not devote myself at all to the details of the grants provided in the Budget. But I shall confine myself to the general principles underlying the Budget. I must say also at the outset that this Budget has been introduced at a very momentous period in the history of our country. I think I shall not be beyond the mark if I say that perhaps this Budget is the last Budget under the existing Constitution. Because when the time for the next Budget would come a new constitution if agreed by all the parties must be complete for operation, and in case of any failure of an agreed constitution I say with hesitancy no doubt that the only other conclusion which can be drawn would be a deadly civil strife in the country leading it to chaos and confusion. So this budget whatever its claim may be the working out of this budget will cast its reflexion on the coming events as to what shape the country will take, what history we shall build for the future of Bengal. We should not shut our eyes to

*the realities, we must take a realistic view of the situation which is now in existence in the country. The dead line has been set by the British and it* is a challenge to us. Bengal has to think very seriously whether the challenge has to be accepted or not. The country cannot remain in a static condition. We have to move. We shall move either to rule and order; we shall move either to the growth of the country; we shall move either to independence, or to chaos and confusion. We have to move any how; this present condition cannot continue. The British have said very clearly, We are not going to take any part in your ramblings; we are going to quit the country; we leave the country to you; it is your country; you are to settle your differences and you are to settle the future Constitution of your country'—a very statesmanlike attitude taken by the British. And up till now looking at the statement I for myself do not see that there is not absolute honesty in the statement of His Majesty's Government. We have nothing to read into the statement and to suspect that they would recile from it. They are going to give back this country and we are to take it. That makes the task harder for us. So I said a moment ago that this was a momentous occasion. It was a historic occasion for us. This presentation of the budget is perhaps the last budget, as I say, which this House will consider under the present Constitution prevailing in the country.

Now turning to the budget I must congratulate the Hon'ble Finance Minister in his realistic appreciation of the real problems facing the country. Here I quote his own words. He said, ".....This is not a moment for parliamentary obstruction, or a moment for approaching vital problems as a matter of party scores; this is a moment which calls for a united assault upon the obstacles which impede our progress and united endeavour to attain our objective with the minimum loss of time." I fully agree with him. This is a noble sentiment no doubt. Only I wish that the party of which he is an important member should keep itself up to the ideal set out in the Statement. About the objectives he has not said clearly. What is the objective? The objective is nothing but independence. The objective which is before us and which is close at hand is Independence. The only question is whether we shall equip ourselves to be competent to attain Independence or we shall convert the country into an arena of civil strife as prevailng in China. The problem is clear. We have to choose, and I think there can be no hesitancy in the minds of any one whether he is a Hindu or a Muslim that the only way in which we can accept the challenge of the British is the way in which we can attain the goal, is the way of absolute unanimity, of absolute unity in framing the coming Constitution of Independence of the country. It is not a Constitution which the British is going to impose upon us. It is a Constitution which the British have said we are to frame and if we fail in that the world will judge us and will judge us very justly and the judgment will be one perhaps which will not be to our credit if we cannot fulfil the duty which has been entrusted to us. It may be asked why in discussing the budget I have been introducing it. To that I have already said, that if you look at the budget only as a catalogue of figures if it is of no interest; but look at the policy underlying the budget and the policy which the administration will follow in carrying out this budget till the dead line is reached, till the time comes when we are to present our own Constitution for the country. Bengal, as some of my friends are saying, would be a Sovereign country then. I do not demur that. But if Bengal will be a Sovereign country it will be a Sovereign country for both the Hindus and Muslims. It cannot be a Sovereign country for one community alone. If you agree on that, I can assure you the Hindus will work in unison with you. But I must remind you of one thing. If you think that on the analogy of the present Constitution it is the tyranny of votes which will rule the country we shall not agree to it. The legal imperatives of the State of Bengal—by legal imperatives, of course it is a technical expression, it means the directives of the administration. I say that the

legal imperative of the State of Bengal must be a joint imperative of both Hindus and Muslims. It cannot be an imperative of one particular section of this House or of one particular section of the people of the country to the exclusion of the other simply by an artificial majority of votes. Sir, votes may guide the House, but votes do not create history and votes do not control a country. I am not giving out any threat but I am simply telling the House that it is the ordinary lesson of history that 45 per cent. of the population of a country cannot be made to surrender its freedom to the tyranny of votes. So, in building up the constitution the constitution must be of a character in which the effective will of both the communities should prevail, in which both the communities should have equal rights. Of course it may be said that now we find in Bengal that there is diversity of opinion as to the division of Bengal. Some people may be inclined to think that perhaps Indians are divided; one section thinking of a united Bengal and another of a divided Bengal. I can, however, assure my friends, of one thing, namely, that the whole of Hindu Bengal is united. Their demand is very rational and a reasonable one. We want that the demand of the united Hindu Bengal must be listened to. The Hindus of Bengal must have an effective voice in the future administration; they must have a part in the Administration. The constitution must be of such a character as would not allow the exclusion of the Hindus from the executive of the Administration. It must be framed in a manner so that the constitution itself shall not allow any major party to exclude the other community from sharing in the responsibility for the administration of the country. So, that really is the united demand of Bengal and any claim for the division or partition of Bengal is only a counsel of desperation. They think that if their reasonable demand be not adhered to or granted, then the only other course left open to them would be a division of Bengal. I do not know what they mean: practically it amounts to this: if the Hindus are driven ultimately to asking for a division of Bengal it would practically be asking for civil strife in the country between the two communities which I think it will be the duty of everyone to shun. And we should remember that in this civil strife British bayonets are not coming or will not come to help any of the fighting parties. So, really, in thinking of the budget this idea runs pre-eminent in my mind. If you look at the budget only as a set of dead figures, it would not be a real study of the budget. There have been complaints about the various allocations made in it, there have been complaints about the wastage; but all that happened under pre-existing conditions. We are now going to bid adieu to the old constitution. We are heralding a new constitution and I can assure all other communities or the Muslim community that if in the framing of a new constitution they join their hands with ours then they will find that the Hindus are quite reasonable. The Muslims are no doubt in a slight numerical majority in the country and certainly as such they ought to have a greater voice in the administration of the country than a minority. But at the same time it is not an absolute minority but a minority of a very small number and a minority which is not weak. So this minority must be given a statutory right in the administration of the country. The constitution must be such that there can be no possibility of excluding the minority for having a hand in the guiding of the policy to be followed. If any attempt is made to exclude them by means of a few votes, in that case—I can only voice the feeling of the country—it will lead to disaster. There could be no submission to any such constitution. If a rational constitution, if a constitution in which Hindus will have equal rights is framed, they will have full co-operation of the Hindus. But if a constitution is tried to be imposed upon them then God help Bengal! There will be no submission to it: but extend your hand of co-operation, extend your hand of love, we shall grasp and abide by it and accept it. But if there be an attempt to override, overriding will not be allowed, because this time it is not a constitution which will come from White Hall, but it is a constitution which will be built here and the people will.....

**The Hon'ble Mr. MOHAMMED ALI:** May I suggest that this is a speech which should appropriately be made in the Constituent Assembly.

**Mr. PRESIDENT:** I think he is quite in order.....

**Mr. AMULYADHONE ROY:** What was your ruling, Sir, last time when I had to refer to the members of the Cabinet Mission?

**Mr. PRESIDENT:** You should remember it better than myself because it affected you.

**The Hon'ble Mr. MOHAMMED ALI:** I do not object to the speech but what I said is that it could appropriately be made in the Constituent Assembly.

**Mr. PRESIDENT:** As you know, the convention is that during the budget discussion considerable latitude is allowed to the members and if any honourable member wants to show the background of the budget I do not think I can object to it.

**Mr. KAMINI KUMAR DUTTA:** Well, Sir, the Finance Minister was objecting.....

**The Hon'ble Mr. MOHAMMED ALI:** No, Sir, I do not object to the speech.

**Mr. KAMINI KUMAR DUTTA:** What I said is that I do not like to deal with the dead figures of the budget. I want to deal with the background, the underlying principle of the budget. It is not so much with the framing of the budget but with the working out of the budget of the coming year which will be framing the history of Bengal. We are going to frame a constitution and a new child is going to be heralded—the question is whether we are going to have a healthy child or a monster which will eat Bengal. So I say that in working out that policy the future must be looked to. We have been so much accustomed to the idea that votes can rule the country, but it cannot rule for all time. So that impression ought to be dispelled. Votes can rule a country when the people acquiesce; but the moment the acquiescence is removed the vote cannot rule. It is the will of the people that rule a country, and the expression may be in various ways. But I do not like to dwell upon what the expression of the 45 per cent. of the Hindus will be in case the new constitution is undesirable, you may think of it, every one can think of it but it will be something which Bengal would not like, which India would not like, which the world would not like.

Now, as I said before, at the very beginning, in what way this budget should be considered. Sir, I congratulate the Hon'ble the Finance Minister that he has the objective entirely in his view. I interpret the objective to mean the independence. If he had any other thing in his mind of course I shall be disillusioned. The basis of the budget is nothing but the welfare of the whole people, not the welfare of any particular section of the people. The budget is only the reflection of the policy followed by the administration. So, in judging a budget we are to see whether that test has been fulfilled, whether it is based upon the desire of the welfare of the entire people of the country. I can only say that the details have been discussed so much that I need not go into details. Sir, the past record of the Ministry is not very inspiring. Their past record is not a creditable one, it is a record of wastage. Some of my honourable friends have called the budget a communal budget. I do not subscribe to that view. It is not a communal budget. A communal budget would really mean a budget which serves at least one community. The previous budget—and the present one if it is in the same line with the other one, has not served the Muslims. The Muslims as a community did not derive any benefit out of it. By Muslim community I mean the poor Muslims—they have not been served and they will not be served. The past record of the working of the budgets only show

that really the budget allocation has served nobody. The stage and damage by mal-administration caused by corruption and inefficiency reveals only one fact, the fact is this that it has not helped the Muslim community as a whole, it has helped only a cluster of persons who cling round the Ministry. It is not the Muslim community or any other particular community but a few people derived the benefit at the cost of both Hindus and Muslims and that is the reason why there has been so much wastage, why there has been so much corruption, why there has been so much inefficiency in the administration. Because the real object is not to serve the people as a whole, the real object is not to serve the Muslims, the real object is not to serve the other people—the Hindus. And in Bengal the position of the two communities is intermixed in such a way that if you are to serve one community you cannot but serve the other. Both the communities will be served. But here the intention was to serve a coterie of persons who clings round the Ministerial gadi and they squandered away public revenue. This has been done in the case of the previous budget and we apprehend this will be done in the case of the working of this budget also. So, it is not really a communal budget in that sense, because it has not served the cause of the Muslim masses in the least, whatever pretence the Ministers may entertain for catching the votes, really the masses have not been served. I ask in all seriousness has the condition of the masses been improved in the least? Are they living a happier life? Are they free from their various wants and needs? What is the role in life of an ordinary Hindu or an ordinary Muslim? Has he been freed from the privations? Has he been freed from those wrongs wrought on him on account of corruption of the administrative machinery and its inefficiency? In that regard both the Hindus and the Muslims suffer alike. In each case, as has been said by some of the members here, on account of the partiality of a particular official if any particular party gains, the community does not gain but few people may gain but the pernicious result of the corruption and inefficiency in the administration is visited upon the whole people irrespective of whether they are Hindus or Muslims.

Now coming to the list of expenditure. It is an awful thing. I do not want to go into details. If you go into the list of the wastage of public money what do you find? You find the loss of several crores on boats, some 6 crores and odd on the sale of subsidised food and on rice and wheat commodities crores have been wasted in this manner. Why? No satisfactory explanation can there be except that those who were holding the reins of the administration of the country had not the welfare of the people in their hearts. They were there for their personal position and to keep up their position they had to satisfy the greed of those who are clinging to them and that caused the whole mischief in the administration and the sufferers were the Muslims and the Hindus alike. Moreover it would appear that there had been some provision for some extraordinary expenditure also in the budget, an expenditure, which I noticed from a calculation which I read in the papers, coming to several lakhs, 325 lakhs. Now this is all due to what? Not surely due to acts of God. These disasters were man-made. The question would at once arise why there was this disastrous occurrence of a riot in Bengal at this time. That also shows the inefficiency of the administration as reflected in the serious charge which is brought against the administration, that the administration itself was a party to all these ravages caused in Bengal, which has caused so much discord between the Hindus and the Muslims. This is a charge seriously brought against the Ministers, I mean against the administration. This is a charge which it is the object of the administration to establish not to be a fact because if this charge proves to be true and if there is any basis for this charge then naturally the question will arise and I would put that question of both to the Hindus and to the Muslims whether this sort of constitution ought to be allowed to remain which can permit the administration to sow seeds of discord between the two communities and which can make the two communities to fly at each other's throat; whether the future constitution should not be of a nature

that it would not allow the gamble of these people anyhow to keep up their position in the administration and then to ruin the country by discord and disharmony between the different communities and by riots and by other devastating acts. So this is the catalogue of wastage, this is the catalogue of inefficiency, not only of inefficiency and if that charge be a well founded one which up till now has not been proved to be baseless that this ravage in the country was not an accidental one but was the result of a mature plan. If that was so then certainly the time has come for the thinking people of this country, both Hindus and Muslims, to devise ways and means to eradicate this poison. This poison has somehow to be eradicated. I believe that there is a considerably powerful section among both Hindus and Muslims who would combine to eradicate this poison and not to allow people, this class of gamblers, to be in charge of the administration of the country—people who gamble with the fortune of a country, or as my friend just now says, not only with the fortunes of a country, but with the lives of the people of a country, and why life?—with more than life, the honour of a people or with the sanctity of things held most sacred by any nation. So, in considering this budget, as I said the real budget must be one in which the people's will is reflected and in which the basis is only the real welfare of the people that is aimed at. There may be a trap created and put forward for those who render help to the executive whenever called upon to do so, but it must not be a trap. It must be prompted by a sincere desire to help the people to remove their wants and to raise their status. (Mr. MUHAMMAD TAUFIQ: The landlords' party will do that!)

As I was saying, Sir, when I was interrupted, it may be that we may not be framing the future constitution but I want to say that we can help in framing it. The budget is to be prepared here and we have a hand in framing it, and we can compel them to frame it in the manner the people desire. Some of my friends did agree with me when I said that if Bengal is going to be a Sovereign State then it should be a Sovereign State with equal rights. But why should they think of leaving Bengal alone? Why not think of a greater Bengal to include also other portions which were once Bengal's? Think of a greater Bengal and build up a glorious history for Bengal, not a history of shame which future history of the world will paint very black for us, but a real history of glory.

Now, Sir, I would like to say one thing. I received a copy of an additional budget statement from the Hon'ble Finance Minister in which he has complained that "the Bengal budget for 1947-48 is the 9th deficit budget in the years following the Niemeyer Award which forms the basis of financial adjustments between the Centre and the Provinces. While this succession of deficit budget is attributable generally to principles of financial allocation between the Centre and the Province, the present deficit is to a great extent due to the role which Bengal was called upon to play as an important Military Base during World War II." Then he continues that "Bengal's chronic financial stringency dates back to the iniquitous and unfair financial allocations under the Meston Award in pre-autonomy years and under the Niemeyer Award in force since 1937-38." Of course he is referring to the distribution by the Centre of the income-tax and of the jute tax. Only one thing I can say and that is whatever might have been their allocation regarding income-tax and the whole of the export duty on jute, one thing is clear, whether Bengal remains within India or outside it is not for me to foretell. The question of allocation would not be on the same trend as it is now. Bengal will be independent as regards sources of revenue—income-tax realised in Bengal, export duty on jute realised in Bengal—independent of the Centre. But we should not think of day dreams—we should not suffer from illusion—we should not be amused in day dreams or illusion in this matter. If a state of insecurity remains in the province, if the policy of the administration is such as to do away with the Hindu capitalists altogether

and if such a procedure is followed, I may say—not that I pretend to be a prophet, I may say without any fear of contradiction—that if this policy of scaring away from the country is followed and if there is no sufficient security in the country the jute duty and the income-tax will dwindle into nothing. Tax can only be collected from the income of jute that would be exported. But think what will happen if the jute products are removed to some other place or some other province or State which could very well be done. The capitalists will know what to do. It may be said that Calcutta is a port, they are bound to come to Calcutta for export purposes. But do you know that Orissa is thinking of a port of her own on her coast—and who cater at present the Calcutta Port? Bengal, Assam, United Provinces, Orissa and Behar. Now, Orissa is going to have a port of her own. At Vizagapatam a port has already grown. My friends who of course live in the security of a majority vote only do not perhaps keep this information. Orissa is trying to open an industrial centre and they are seriously thinking of a port in which they are being backed by their neighbouring provinces of Bihar and United Provinces and serious attempt is being made to have the whole port route shifted on to the ports of Vizagapatam and Bombay. So if this trade channel of Orissa, Bihar and United Provinces is diverted from Calcutta what will your Calcutta port do. So do not indulge in illusion and day dreams. So you must have the goodwill of the whole of India. You must have co-operation of the Hindus. Bengal cannot prosper without the co-operation of the Hindus. Bengal must be a happy country both for the Hindus and the Muslims. In Bengal capitalists must feel secure—.

**Khan Sahib Maulvi WAHIDUZZAMAN:** Capitalists are all non-Bengalis.

**Mr. KAMINI KUMAR DUTTA:** Yes, non-Bengali capitalists are already here and you cannot drive them. I know as a matter of fact and I may remind my Muslim friends that there is lip loyalty to Bengalis and they speak of it very glibly, but I find if anybody has any influence on the Ministry it is the Ispahanis not a Bengali Muslim, in the services in the Government of India there are the United Provinces Muslims and the Punjabi Muslims, the Bengali Muslims are parias there. You talk very glibly of your love for the Bengali Muslims but we know as a matter of fact that in the Ministry they are nowhere. The Bengali Muslims may be coolies and clerks but it is the Ispahanis that dominate in the Ministry, in the services of the Government of India it is the Punjabi Muslims and United Provinces Muslims that rule and no Bengali Muslims. So, I would advice that unite with us, the Hindus, and in case of an all-India constitution of which there is every chance from the trend of the events in that case a united demand of the Hindus and Muslims of Bengal will have an effective voice. Otherwise you are parias now and you will remain so. (KHAN SAHIB MAULVI WAHIDUZZAMAN: By keeping Birlas here) I do not like to reply to that. Birlas and Ispahanis there will be so long as you do not join the Hindus. I would appeal to the Bengali Muslims that if you wish to get rid of these Birlas and Ispahanis, if you wish to have a position on all-India affairs take your brothers, the Hindus, in your confidence. In that case the claim of Bengal will be irrestible otherwise if you still adhere to this policy of ruling by majority of votes bid good-bye to that idea of doing real good to the people, it will never come and it can never come. So really this complaint ought to be remedied. It appears that the Hon'ble the Finance Minister is still thinking of the allocation of revenues, but the allocation would be a history of the past as the future constitution has to judge what would be the basis of the allocation. You may have independent sources of income. You may destroy with your own hand the Calcutta Port by pursuing the present policy of ruling by majority votes. I warn you no real industry can be built up and the real structure of society can be laid unless there is co-operation between the two communities. No particular community can tolerate the tyranny and oppression of another community for all time.

Now, I would refer to some of the particular items in the statement of the Hon'ble the Finance Minister as to the cause of the present economic condition of the country. He says "In my opinion it is due to the inflatory forces." No doubt it is the general cause but the ravages caused by the inflatory forces has been accentuated particularly in Bengal by corruption and inefficiency. Inflatory forces are there all over India but the result is not the same and therefore we are to consider why the result is so disastrous in Bengal alone.

Then about the extraordinary expenditure and other things. A picture of the few schemes of development of the country has been given. But the past record of course does not create any confidence in our mind. Schemes there were and funds there were but the schemes were not worked out. So, there were really no schemes for the welfare of the people or perhaps those in charge of the schemes were scheming for their own benefit.

Then as to the future grant of Rs. 69 crores which we are going to receive from the Centre in a five-year plan: To that we can only say that if the money allotted by the Centre is to be really employed for the welfare of the people and is not to be allowed to go into the hands of the grabbers, into the hands of those sharks who just hover around those who are in power for a share in that and if the sharks are not to be allowed to swallow that amount I would insist that the control of the funds should be placed in the hands of a joint committee of both sections of the House so that they may give their judgment over it. It should not be left to the sharks to control the funds. The scheme ought to be controlled, or rather the working of the scheme ought to be under the control of a joint committee of both the sections of the House and ought not to be left to be done according to the wishes of those who are only anxious to please those sharks who often hover around them.

Then coming to Education I find there is a special grant to the Muslims. I welcome it. I do not oppose it. Really the standard of education amongst my Muslim brethren is still not up to the mark it ought to be. They require special aid and special aid should be given. There is nothing to object to that. This spending of the money, I think, will really be for the betterment of the country. But one thing I cannot subscribe to and here I differ from my honourable friend, Mr. Nur Ahmed, who says that the Muslims require separate institutions which are congenial to their nature. I think, in the modern century to speak of this, that a particular section of the public or a community wishes to lead an exclusive life and they do not think that their contact with the other people would be congenial to them is a thing which you must not allow in your community to grow. If you wish Muslims to get education in Europe I welcome it but not separate institutions for the different communities in the land of their birth. I say come in contact with the outside people. It is the brushing of the shoulders with the other people which would make you competent, which would arouse in you a spirit of competition. So this idea of cogeniality, that of having education in a congenial atmosphere, I am positively of the opinion, will be to the detriment of the interests of the Muslim youths themselves. Every atmosphere is congenial, if you adapt yourself to it. And really the Muslims and the Hindus ought to get educated in the same institution and no action ought to be taken which would increase the cleavage between the two communities. It will be to your interests; it will be to our interests. There ought to be contact between the two communities, in all the spheres of life, and no exclusiveness of a particular community should be tolerated at all. So this idea of a separate Muslim University or of particular institutions for the Muslims ought to be discouraged. Have your grant; utilise it; use it for the uplift of the Muslims. Let the whole Muslim community be educated and be raised in the estimation of the world. It will be to the benefit of the country. It will be equally to the benefit of the Hindus. But again I request you to give up the idea of exclusiveness, to give up the idea of a separate University or of a separate institution. As regards culture, certainly the Muslim

has his own culture, the Hindu has his own culture, the Christian has his own culture, every country has got its own culture but that does not debar the Hindus and Muslims being educated in the same institution. That does not debar their coming in contact in all spheres of life with others with increasing cordiality between the two communities and that would create a healthy feeling of brotherhood between the two major communities.

One more thing and I finish. It is a matter in which I may say that I am somewhat concerned in my official capacity as the President of the Refugees Rehabilitation Committee of Tippera and Noakhali. There was a Committee formed. I did come in contact with the refugees and I know something personally of the condition of these refugees. Sir, the refugees have left the refugee camps and are not at present concerned with the distribution of doles at all. Now comes the question of rehabilitation of those people who had left their homes and are now going back there. Most of them are not rich people like my friends sitting over there and 99 per cent. of them are very poor people, cultivators, who require houses, cows, cattle for cultivation, implements of husbandry, and ordinary clothings and they want all these things without any delay. Even when I was coming to Calcutta, to attend the session of this House, I had met the Special Commissioner for Relief, Mr. Nurannabi Chowdhury who is posted there and brought to his notice the fact that the ploughing season is passing, the sowing season was passing, those men had no plough or cattle or anywhere to live in. If the vast tracts of paddy land were allowed to remain uncultivated you will be facing a famine. I found him, I must say, very sympathetic, an officer popular with the people, the masses, a good officer, but his reply was that he could not help very much in the matter. 'I am being informed that spades are coming, ploughs, and other implements are coming, but I am not receiving any'—that was his reply. Sir, if this is the state of things, then it is very undesirable. Every one of us knows, every one who has some acquaintance with Eastern Bengal, knows that the sowing season is passing off and unless the people are immediately supplied with all these elementary requirements, the implements for agriculture and they are also granted money for housing, it is impossible for them to carry on. There is on paper a list of grants. I have seen letters on this matter; the letters say 'plough, spade and other implements are being sent, etc.' but, Sir, letters do not help in cultivating the land; they want something tangible and the Hon'ble Minister concerned should certainly think over the matter and relieve the distress of the peole without the least delay.

I will now finish, Sir, with a statement of sincere appeal to my brethren of the Muslim community that as they form the majority community in the country the future of Bengal depended mostly on them. If you mar the future of Bengal, history will put the blame upon you. I say again that the Hindus are quite prepared to extend their hand of co-operation but a hand of co-operation only and not by way of subjugation or slavery, and a hand of equal rights.

**Mr. HAMIDUL HUQ CHOWDHURY:** Mr. President, I would have very much liked that the Hon'ble Chief Minister had been present in the Chamber, for, Sir, as far as I have found from the working of the new organisation that is working in the Secretariat, I see that only one department of Government is functioning and that is the Chief Minister's Department, and most of the Ministers according to the Rowland Committee's scheme of things that is now prevailing in the Secretariat are nothing more than departmental heads occupying positions similar to that of head assistants. There is no initiative left to any minister; no final shaping of policy. The Minister is not master in his own department and even if anything is agreed upon in the Development Department it gets entangled in the Chief Minister's Department which has become an octopus, so to say; which has become a machinery for delay and defeat every scheme whatever it might be. Then, Sir, the Finance Department as far as my knowledge goes, is nothing more

than an Audit Department short of any other responsibility. So it is in the fitness of things that every individual Minister, if he has any initiative should rise against any policy which is followed in accordance with the regime of the Section 93. The Ministers seem to take no initiative regarding their departmental schemes. The policy followed during the Section 93 period is still continuing. Everything that emerges from a Minister's department gets entangled in the Chief Minister's Department and I may at once describe as the working centre of that organisation. Therefore if any Minister should have been here and should have taken notes of the suggestions from the members of this House he is the Chief Minister, because he is the head of all the departments and it is he who controls the administration in every way. I may tell the House that the Hon'ble Chief Minister is overwhelmed with work; people hang on to him for days together for conferences of very important character and he cannot apply his mind to the office and because of this enormous amount of work which he takes upon himself,—I do not know if it is thrust upon him—he is not able to do justice to it with such efficiency and expedition as he would have done otherwise. Therefore, as on the last occasion I protested against this system of administration which has been introduced, so I do again emphasise that Government as a whole must decide whether the scheme is working successfully or whether that scheme should be allowed to continue and whether their policy has led to any progress.

Now, Sir, before I pass on to the budget figures, I should like to reciprocate wholeheartedly with the sentiments expressed by Mr. Dutta, the leader of the Opposition. I wholeheartedly agree with all that he has said regarding the need of co-operation between the Hindus and the Muslims. Sir, my desire in this direction is no less than what he said. I quite agree with him when he said that if the province is to progress, if the province is to prosper, the communities must co-operate, that it is by this co-operation between the Hindus and the Muslims the number of which is almost equally balanced, the province can progress. It is not only true in Bengal, but it is true for the whole of India. What we feel here is felt for a gareater degree by the people of other provinces in India. There should be a complete change of outlook and attitude towards each other. Mr. Dutta spoke of Bengal minority. I think, Sir, that minority interest should always be safeguarded everywhere. We, Hindus and Muslims, who have been ruled by the British for over 200 years know to our cost what is to be ruled by others. So we must always safeguard the interest of the minority. For the last 10 years we are presiding over the administration of the province without any real power of control. We have no control over the machinery of administration. The machinery has created such an amount of frustration in our mind that our inner feelings have undergone a great damage. So I say there should be co-operation between the Hindus and the Muslims and without co-operation one cannot by sheer weight of number rule. Let us take up the challenge that has come from His Majesty's Government and let us show that we can take up the challenge and rise equal to the occasion and decide before we can perform the great task of ruling the sub-continent. We can see reason in the argument of the opponent, we can compromise and they can evolve a system which will be beneficial for all doing injustice to none upholding the interests of everybody. Therefore, Sir, I extend my full sympathy and support to what Mr. Dutta has said that there will be a co-operation between the two sections for the general good of the country. It is believed that without the co-operation of one community the other community cannot even rule much less can they further the interest of the country.

Now, Sir, the present budget is a repetition of what has been done in 1946-47. In fact I scanned through it very quickly and I have not been able to find any new light thrown in and the defects that were there are still there. First of all I would draw your attention to what is happening in the Civil Supplies Department. On the last occasion I said that this commercial

department has been taken over by the Government for the first time on a very vast scale employing a capital of Rs. 100 crores in a financial year or a fiscal year. Therefore this department should have checks and balances that are essential for running a successful business concern. I pointed out that many people have been able to become millionaire from nothing but how is it that Government lost crores of rupees in the transaction of foodgrains. A little scanning will show how the amount has been lost during the last 4½ years of the administration of the Food Department. Subsidised foodgrains cannot be included in that loss because subsidised food account goes into the other budgetary heads. Under the head "Purchase and Sale of Foodgrains" for ordinary rationing for the general consumers in 4 years Rs. 4,686 lakhs have been lost. Why has it not been possible to pass all these losses to the consumers? Why is it that the losses of the entire province should be borne by the poor men who pay annas 5 as tax only? Why has it not been possible to increase the price of rice from annas 6 to annas 7 to meet the losses? The Department spent Rs. 24 crores in 4½ years and Rs. 4,686 lakhs have been lost in the operation of the Civil Supplies (Food Department). I ask—has this colossal figure received the attention which it deserves from the public as well as from the Government? Has any attempt been made to place that before the House so that the attention of the members might be directly focussed upon the state of affairs. I am not saying that this loss has been due to any fault in the administration of a particular Minister. I say only that there is something wrong in the machinery which employs 15,000 to 20,000 persons in the Civil Supplies Department. Something should be done in order to remedy this continuous loss on a huge scale. This foodgrain supply is a business, pure and simple, so this should be managed as a business proposition. This should be treated as a separate subject and there should be a separate budget as the Railway Budget in the Government of India. The Government of India is running this as an entirely business proposition having its final balance-sheets showing profit and loss account through which the losses have occurred. Therefore, Sir, I again plead that these should be separated altogether. This system of allocating expenses should be reviewed and re-examined and a new system evolved by which these huge losses from year to year can be stopped.

In the same manner another new scheme has been brought this year. This is also a commercial scheme, the entire amount to be financed from loans which the Government of India is advancing, I mean the Kanchrapara Area Development Scheme. For this the Government has already sanctioned a sum of Rs. 50 lakhs for the current year and another 50 lakhs is asked for to be sanctioned by the Assembly for the coming year. But one thing is that we have not been told as regards the commercial aspect of this proposition. We want to know something more before the Government proceeds further on this scheme. We want to know if the entire capital outlay will be one crore of rupees or is still something to be added during the next year. What is the prospect of this area for the return of the money that the Government is investing and how and to what extent the landlords of the area have been benefited by the scheme. What is the ultimate benefit accruing to the province as a whole? If this scheme is to be one of the trading concerns of the Bengal Government, as it appears it is, and if this money spent is to be made good, a profit in the bargain should have been made and should be made. Without any such end in view, if this amount is foolishly spent necessitating more funds, in the long run this may be found a losing concern and the future Government may think that it is not worth continuing and the entire amount will thus be lost. Therefore some idea about this scheme should be given to this House.

Now, Sir, let me come to the Post-War Development Schemes. We saw several post-war development schemes shown in the budget for the year 1946-47. This Ministry while presenting the budget last year said that these schemes were drawn up by the Section 93 official Government, that they

were not satisfied with the presentation of the schemes as they were and ye they had no time to scrutinise them and to present them in the proper form These schemes were to be executed at the expense of the Government o India as they decided to give to each province a sufficiently large sum o money with a definite direction that the Provincial Government must be abl to spend the sum on causes which they thought best. They granted 12 crore of rupees and the Provincial Government here under the stress and pressur from the Centre thought that they must have some schemes on which t utilise the sum offered by the Centre and they must be for the benefit of th province. It is one thing to draw up several schemes and it is quite a differ ent thing to see that the money is well spent on schemes properly drawn u and the work completed in proper time. Out of this 12 crores only 4 to 5 crores were spent and the rest remains unspent and the amount that has bee spent has been on existing structures, namely, acquisition of large building already built by the military and the money has been spent only on such acquisition and no original construction work was done. To name the work that were undertaken there is none. For Road Building 1 crore 92 lakhs wa sanctioned but only 8½ lakhs could be spent during the year. Let me give some figures for other items. For Agriculture 35 lakhs were sanctioned for expenditure during the year 1946-47; only 8½ lakhs could be spent and the balance of 26½ lakhs remained unspent. For the North Calcutta Rura Electrification Scheme 33 lakhs were sanctioned; only 7½ lakhs could be spent and 25½ lakhs remained unspent. For Civil Works 19 lakhs were budgeted; only 2½ lakhs could be spent and the balance of 15½ lakhs remained unspent. For girls secondary education 2½ lakhs were sanctioned but the expenditure was nil. For the Medical Budget 95 lakhs were sanctioned; but 22 lakh were only spent and the balance remained unspent. For Public Health 5 lakhs were sanctioned; only 1 lakh could be spent and the balance of 4 lakh remained unspent. For Agriculture 78 lakhs were sanctioned; only 28 lakhs could be spent and the balance of 50 lakhs remained unspent. Fo Veterinary 5 lakhs were sanctioned; nothing could be spent and everything remains unspent. For Industries 11 lakhs were sanctioned; only Rs. 30,000 could be spent and the balance remained unspent. For the construction o Roads 92 lakhs were sanctioned; only 8 lakhs could be spent and the rest remained unspent. It is no use repeating this sad story as you will find that the story is the same with many other departments also. What is the reason at the root of all this is the old administrative machinery which ha proved incompetent times without number. Who does not know, Sir, that 5 lakhs of rupees were allotted to this province for building roads before the war came in, of which not a single pice could be spent in spite of the fact that all schemes were ready but the machinery was rotten, and nothing could be done. Therefore, a supreme effort should be made by Government to see that the machinery which they have inherited from their predecessors is so radically changed and remodelled that any progress which is contemplated by any Ministry may be made possible of achievement. (MR. BIJOY SINGH NAHAR: Get rid of the I.C.S.). Well, anyway the I.C.S. are fading away, but I do not know whether any other rule which will come in its place will improve matters as we expect. But anyway that chapter seems to be closing, and we need not pursue that point. I will now give you an example of how road building has been handled in my district. There has been a road sanctioned in my district as long ago as 1929-30 as one of the provincial roads; it was taken over by the Provincial Road Board and one could easily expect that it would be taken in hand. But up to now nothing has been done. This year in the year 1947, and in the month of January, I was told that the department had called for tenders for brick burning—in January, 1947, Sir, for a scheme which had been sanctioned as early as 1929. I would therefore ask the Hon'ble Minister to enquire into the matter, as to what was the difficulty in the budget grant or in the policy that a notification about tenders for brick burning was issued so late asking applicants to come forward ready to burn bricks which ough

actually to have been prepared in December last and which should have been in the kiln at least in the month of January. But it is now only that the Communications and Works Department is asking the people to come forward to offer their prices for burning bricks which are to be utilised this year. If the department's policy is such in which the Communications and Works Department, is merged then it will be lucky even if at the end of the year 1947, they can decide their minds as to when, where and to whom they are going to give orders for bricks necessary to metal the road. Therefore, unless some supreme effort is made to remedy this defect no progress, far less building a happy and prosperous Bengal on a large and gigantic scale that is contemplated by many, is not likely to be seen in the near future.

Sir, there is one distressing thing which I submit is agitating the minds of most of us now. It is the price of the ordinary commodities which are rising rapidly in a spiral form. After the Government of India's handing over of control of most articles, that however has lapsed and it is high time to seriously consider the question of checking the inflation of prices. France has started to check it drastically because the end of inflation has brought in disaster of a magnitude which many nations have not been able to overcome in a quarter of a century. We have seen that in Sind also, where there is a danger of inflation of every commodity price. Therefore I say that it is a matter for serious consideration and I earnestly appeal to the Government that they should apply their minds as to whether it is now possible for them to fall back upon the rigid price control and distribution of essential commodities of life. It is no use denying the fact that with control will come in corruption. We cannot and have not been able to completely eradicate corruption. But there is no reason why we should not make a serious effort to see what can be done to check corruption and inflation that is about to be an all embracing feature throughout the province.

The next thing that I want to bring before the House is the remarks made by some of my friends opposite by way of criticism of the budget. They have characterised the budget as a communal budget. Now, Sir, with regard to the remarks made against the grant of Rs. 10 lakhs for Muslim education, Mr. Dutta, Leader of the Opposition, has already given a proper reply to that criticism. I may say, Sir, in this connection that many of my other Hindu friends also have often said in the past that the need for Muslim education is very great and that for this they should be given as much as possible and no one should grudge it. But here only 10 lakhs has been allotted for Muslim education and equally another 10 lakhs has been given for a section of the Hindus who are also in need of help. Muslims are, as you all know, admittedly in need of encouragement in the matter of education and they should get much more than has been allotted for their education. So a grant of only 10 lakhs for Muslim education, should not be objected to and any one having a sense of reality should not call it a communal budget, nor a provision of one lakh for the Islamia College should be objected to. I may say, Sir, that Islamia College is not a Muslim College. To it Hindus are as much welcome to join as Muslim are. Therefore if you have an Islamia College it will be for the general improvement of educational system and it is not a sectarian college which my friends opposite are apprehensive of, and therefore it is not good to try to put it as a communal budget. These sentimental or emotional remarks should not be made. Let us come down from sentiment or emotion to reality. The position is that if larger grants are made for Muslim education and if appointments are made in the larger numbers in public services for 10 years even then the number of Muslims will not be equal to that of Hindus.

**Mr. LALIT CHANDRA DAS:** Sir, although it is customary to congratulate the Finance Minister on presentation of the yearly budget, it is difficult to observe that custom in face of the dismal financial situation with

which we have been confronted. In the current year the deficit is 13 crores 28 lakhs 47 thousand. For the coming year, the deficit is shown at 6 crores 20 lakhs and 14 thousand and if as we must add to it 6 crores more which will be necesary to give effect to the scheme for the revision of pay of the Government employees, the deficit will be 12 crores. In two years therefore the deficit is 25 crores which is an absoultely disgraceful state of affairs.

Sir, the limit of taxation has been reached. There is hardly any way out of the impasse except by a subvention from the Centre to offset the borrowing which is necessary to balance the budget with 2½ crores more for the opening balance. Sir, Bengal is the richest province in India having the greatest potential resources and yet Bengal now stands at the threshold of bankruptcy. No doubt the financial relations between the Centre and Bengal brought about by the Meston Award and the Niemeyer scheme have operated very prejudicially for the latter and we have every sympathy with the Finance Minister in his efforts not merely to get the subvention but also to get revision of the schemes so as to put Bengal on sound financial basis. The League Government should realise before it is too late that discretion is the better part of valour and that in wooing the Centre with the plaintive cry of "live and let live", the League Government should see to it that its party buries fifty fathoms deep its war cry of "Larke Lenge Pakistan—a Pakistan, Sir, which is politically foolish and economically highly unsound.

Sir, while we have every sympathy with the Finance Minister in his effort to win the good grace of the Centre, we must say that the manner in which the League Government is carrying on the administration in Bengal and the manner in which they are handling the financies is open to the gravest objection. Sir, Bengal managed herself with 13 crores in 1937. The Government of India has always proved itself as Bengals Patron Saint. It wiped off Bengal's debt of 8 crores and allowed Bengal to start the working of the new constitution with a clean slate. Gradually receipts and expenditure were mounting up and for four more years Bengal pulled through with receipts and expenditure varying from 13 to 16 crores. Then came the sudden rise in expenditure to 31 crores with the receipts standing at 23 crores. Next year the expenditure rose to 42 crores with receipts standing at 32 crores and so on till we reached the present stage at which receipts stand at 38 crores 73 lakhs 2 thousand with expenditure higher by 1,328 lakhs and 47 thousand and the receipts for the coming year forecast at 4,76,789 lakhs with the expenditure showing at Rs. 53,881 lakhs. Sir, all these years it was the Government of India which liberally contributed for upkeep of this Government. Some excuses for inability to square the budget were handy, namely, war, famine, etc. I will not stop to enquire who was responsible for the man-made famine which devasted Bengal in 1943-44 nor shall I point out how Assam being more in the war base than Bengal could present far more satisfactory budgets than Bengal but this much I want to say that for the past two years, Bengal is no longer in the grip of famine and that the war drum has ceased to beat since September, 1945. Why then should we have in course of two years a deficit of 25 crores? The League's high-ups have made the Government of Bengal a party caucus since 1937 and constituted the Government with a set of incompetent bullies. With full connivance of this puppet Government the Muslim League on 16th August, merrily started Direct Action—which resulted in the great Calcutta Carnage with terrible loss of life and property. Then followed the Noakhali and Tippera outrages resulting in considerably greater extensity in damages to life and property and in rupture of good relations between the two major communities inhabiting Bengal. They had repurcussions in Bihar where for all the more deplorable brutalities which occurred, Government of Bengal must share the responsibility. Sir, conscious of that responsibility, the erring Government deputed without consultation with the Bihar Government one of the most notoriously reactionary communal minded officer to act in liaison with the Muslim League party to share in works of rescue and

rehabilitation of sufferers in Bihar. They returned with 150,000 Bihar refugees who have been promised succour, relief, comfort and settlement in Bengal with the ultimate object of pakisthanising Western Bengal which is overwhelmingly non-Muslim. These activities of the Muslim League party with the full connivance and support of the Bengal Government caused ever-widening and serious drain in the finances of Bengal in the shape of 2½ crores for relief and rehabilitation of the Bengal sufferers and of over 1 crore for Bihar refugees—all due to communal frenzy brought about by the Direct Action Policy of the Mulim League party of which the Bengal Government is but a party. We are afraid that the Centre in considering the allotment of subvention may take into consideration all these factors and something more I am relating hereafter. It is this that the Direct Action Policy has taken a new turn. The policy has been taken up by the Government in right earnest in pursuit of which they totally ignore the existence of all sections of the people except the Muslims and are pursuing it with a ruthlessness the like of which it will be difficult to find a parallel. Take for instance the legislative activities of the Government—their Bill for acquisition of cultivable waste lands of Bengal which will require unlimited moneys with the intention, as we believe, of Moslemising those areas, that daylight robbery Bill—the Bargadar's Bill to finish the middle class *bhadraloks* as they finished the great body of Hindu creditors by the Debt Settlement Boards—their Bill for the exploitation and extinction of fishermen in Bengal miscalled the Bengal Protection and Conservation of Fishes Bill.

Sir, let me now turn to their educational policy. They are out to implement their promise to the Moslem League Party to get through the Secondary Eduction Bill over which a Ministry foundered and about which the League Party and the Government were left in no doubt as to the attitude and opinion of the non-Muslims. Yet they must have it with a mint of money. Their creation of a special fund of Rs. 10 lakhs for Muslim education ignoring the claims of adequate help to all educational institutions which cater to the educational advancement of all sections of the people irrespective of any caste or creed but which are dragging a miserable existence. Extension of Islamia College which since its start could not compete successfully with other progressive institutions in Calcutta, hostels for Muslim students in Calcutta, grant to Islamia Hospital, Madrasas, etc., which by themselves are not wrong are some of the significant items of expenditure in glaring contrast with the Government effecting a saving of the much-needed expenditure of 9 lakhs which was earmarked this year for the expansion of the University College of Science. But what is particularly wrong is the preliminary provision made to start a Muslim University. Sir, they are going to acquire 2,000 acres of land near about Calcutta, and they intend to move the Islamia College there and making it a nucleus they aim to start at the expense of non-Muslims whose contribution to the public exchequer is higher than that of the Muslims—they aim to start at a cost of 3 to 4 crores of rupees which after all would be a communal University. Bengal is suffering already from an overdose of communalism and this University when in action will breed fanatical communalists who will be a danger to the society and peace and tranquillity of the whole province. If we look at the past history of the Dacca Moslem students and of the Aligarh University students, my forecast will have ample justification.

Sir, if the items of expenditure on subjects I have dealt with be added on one side together with what has been provided for the upkeep of that notoriously inefficient and corrupt department of Civil Supplies, a department, Sir, which frittered away 2½ crores on leaky boats, boats which do not float, a department, Sir, which has as yet given no justification for its further continuance but which really is found essential for Muslim League supporters of the Government and we look to the deficit as shown in the

Budget. On the other side, we find that the communal policy of the present Government is mainly responsible for the inability of the Finance Minister to present a balanced budget. You do all ugly things, show deficit and then approach the Centre for subvention being quite oblivious of the fact that he who seeks equity must come with clean hands.

Sir, I have indicated in very brief outline the Direct Action which is being carried on by this communal Government to the prejudice of and against the best interests and wishes of the 45 per cent. of the population in Bengal. Sir, the communal activities of this partisan Government have so exasperated and alarmed a certain section of the people that already there is a strong body of public opinion favouring partition of Bengal. In fact, Sir, a conference was held on the 17th February, last, in which amongst others not less than 11 members of the Bengal Legislature took part and in which they decided to mobilise opinion for a separate province for the Bengalee Hindus. Sir, in 1906, a province was carved out for the Muslims by Lord Curzon. A vigorous and sustained agitation against the partition of Bengal led by Sir Surendranath Banerjee of hallowed memory resulted in its annulment after six years of Eastern Bengal Government at Dacca and Bengal was re-united and raised to the status of a Governor's Province in 1911. The time has brought its revenge. The Muslim League in fanatical pursuit of communalism has so coloured the outlook of the Government that Hindus very generally feel that their interests are no longer safe in its hands. In this atmosphere we have now before us the momentous declaration of His Majesty's Government made in Parliament on the 20th February, last. Sir, before this declaration all other questions pale into insignificance. Particularly it is a declaration which touches Bengal very much and with it its present and future budgetary provisions also. Sir, I will quote a relevant portion of Mr. Prime Minister Attlee's Statement. It runs as follows: "His Majesty's Government wish to make it clear that it is their definite intention to take necessary steps to effect the transference of power to responsible Indian hands by a date not later than June 1948". Then he goes on to say, "But if it should appear that such a constitution will not have been worked out by a fully representative Assembly before the time mentioned in paragraph 7 (June, 1948), His Majesty's Government will have to consider to whom the powers of the Central Government in British India should be handed over, on the due date, whether as a whole to some form of Central Government for British India or in some areas to the existing Provincial Governments or in such other way as may seem most reasonable and in the best interests of the Indian people". Sir, we have before us the budget for the next 12 months to end on March 31, 1948, and here is a statement of definite date for transference of power to happen in next 15 months with a very sinister hint at Bengal. Sir, I have no apprehensions as to the Centre which, I trust, will be made strong to withstand any outside or inside attacks. But as I have said Bengal is in danger. I will, therefore, not touch on other points but shall confine myself to the questions relating to Bengal. Sir, I stand for united India and as a part of it for united Bengal, if possible, divided Bengal, if necessary. It was not for nothing that Bengal agitated to be re-united. In the agitation which followed in the wake of the partition, arguments for and against partition were exhausted. It is too late in the day now to go over them again but with the danger looming ahead not a day must be lost for all non-Moslem leaders in Bengal to put their heads together and to solve what threatens to be perpetual serfdom of 45 per cent. non-Muslims of the province. I should think a joint demand should be presented with an ultimatum to the Government of Bengal and the Muslim League party which should be to the effect that (1) the present inefficient, corrupt and communal Ministry be dissolved; (2) the Ministry to be reformed being composed of equal numbers of Muslim and non-Muslim representatives, the Prime Minister being alternately a Congressman and a Leaguer; (3) joint electorates to replace the communal electorates from

the legislature down to the local self-governing units; (4) public services to be filled by men recruited by a competent and non-partisan Public Service Commission through open competitive examinations; (5) religion to be divorced from the State and Bengal to remain a part and parcel of united India.

If by a certain date, say, four months from now, the demands are not met, there must be persistent raging and tearing agitation carried on by the joint efforts of all non-Muslims braving all consequences making it impossible for Mr. Attlee to transfer power to this hostile, inefficient and corrupt Government which draws its sustenance from communal votes and which, therefore, is not a democratic institution at the same time demanding separation of the west from the east of Bengal. Sir, if in spite of the Muslim League, the separationists can hope to curve out a separate province, then surely the separationists joining forces with the unionists can enforce the above demands. Sir, if the demands are met, there will be an agreed constitution and then things will so turn out that there will be no more deficit budgets. There will be peace and plenty, progress and happiness all round. There will be above all real freedom which will enable each and every one of us to work on with head erect, with head on high.

Jai Hind.

**Khan Bahadur CHYASHUDDIN PATHAN:** Mr. President, Sir, before I propose to offer my congratulations or thanks, if any, to the youngest member of the Bengal Cabinet through whom the coming year's budget has been presented to us, I feel tempted to give vent to my feeling of surprise as to why the honourable members of the Opposition should be so much lacking in eloquence to offer their sincere gratefulness to him for giving them the golden opportunity to style this budget as a one-sided party budget on the ground that a small fraction of the estimated amount has been provided for a few Muslim institutions although this amount pales into insignificance as compared to what has been provided for the benefit of the members of the other community whose cause they are here to advocate. Unfortunately the use of the words Islamic and Muslim seems to have created a consternation in the Opposition Group which has found expression on the floors of both the Houses as well as in the columns of newspapers. Some of the friends of the Opposition have gone to the length of saying that it is a budget to have the way to Pakisthan and to satisfy those who are advocates of that ideology. But if we go through the budget carefully with an unbiased mind and judge it in its true perspective, the irresistible conclusion is that it is not so. It is a mamuli budget—a fancy production of the old bureaucratic machine with charming pictures here and there—very beautiful to look at with naked eyes, wherein attempt has been made by the so-called peoples' Government—I mean the present Cabinet—to provide some amounts for several nation-building projects and to meet reasonable public demands to some extent. I think the Finance Minister for some of his frank and straightforward statements while presenting the budget. But I must at the same time tell him that his straightforwardness is not to be appreciated by those to please whom the most valuable time and the best energy of the Cabinet under the able guidance of the Hon'ble Chief Minister are being devoted. Lavish allotments of crores for institutions wherein the advocates of one nation theory and Akhand Bharat are ruling and which in name are open to Muslims have not satisfied them and on the contrary a few drops for the educational uplift of Muslims who are admittedly backward and to mitigate some of the long-felt grievances, have become their eyesore. Allotment for the extension of the Islamia College and the old scheme of Madrasas has been the subject of bitter criticism, but those critics do not utter a single word about the allotment of about 2 lakhs for Europeans and Anglo-Indians at Kurseong under the "Improvement and extension of building". God only knows when this mentality will be changed. Mr. Mazumdar in the concluding lines of his speech instructed the Muslims to shape their own

destiny by establishing a capital at Dacca. This reminds us of the Bengal partition days more than 40 years back. Unfortunately not only you Mr. Mazumdar but many Hindu friends including the roaring tiger of Hindu Mahasabha realises after a long time the necessity of partition which was a settled fact unsettled by you and some of your predecessors. The contention of my friends of the Opposition that it is a communal budget for the benefit of the Muslim community alone to be passed by a brute majority because of a small provision for some Muslim institutions is as good as calling a long-bearded or fowl-eating Hindu a true Muslim. I would rather advise my friends to go deep into the budget and I am sure they will be disillusioned. I am grateful to the Leader of the Opposition who, however, owing to his large-heartedness does not subscribe to that view.

As my honourable friend Mr. Nur Ahmed, a very old member of this House, has very rightly remarked that the discussion of the budget on the floor of this House is nothing more than academic, I will not take much of the time of this House by elaborate discussion on different heads of the proposed expenditure, and in doing so, I am under the painful necessity to submit that almost the whole of the budget provision has been earmarked for works of public utility in West Bengal and in the surroundings of Calcutta. I am sorry that the Hon'ble Finance Minister who hails from North Bengal was not even the least inspired by a bit of local patriotism—patriotism in the sense of impartial treatment seems to be wanting. Over and above the lavish provisions in the budget for irrigation projects in West Bengal, all attention of the Government appears to have been centred round Calcutta for improvement of industry and agriculture. I fail to understand the logic behind it East and North Bengal with their dumb and unlettered millions have been anxiously looking forward for practical schemes to be worked out in their hands for their economic uplift and advancement. But, unfortunately they have been totally disappointed. Even under head "Medical and public health" gross injustice has been done to East and North Bengal. The Campbell Medical School will be raised to the standard of a medical college—a new medical college will be started near the lake area at enormous costs, but no such scheme is in contemplation in the above two parts of Bengal except addition of several hundred beds in the Dacca Medical College. The district of Mymensingh—the biggest district in the province inhabited by a population of more than 60 lakhs—has been running a small medical school with great difficulty. In spite of representations, not a farthing has been provided in the budget for its improvement. The S. K. Hospital in the headquarters of the district can scarcely meet the large demands of the public. Innumerable patients are being refused admission every day owing to the limited number of seats. An addition of at least 200 beds by an extension of the hospital building is an urgent necessity. The Mymensingh municipality owing to its limited resources can scarcely meet both ends with the result that the roads and drains have been turned into nuisance. The drainage scheme sanctioned by Government should be financed at once to be worked out in the interest of public health. The A. G. Hospitals started in different parts of Bengal are doing excellent works. But the system of housing is so bad and the supply of drugs and medicine so inadequate that medical officers cannot give medical aid to the public according to necessity and demand. A better housing scheme should be drawn up; the number of beds should be increased and substantial money provided for supply of medicine, etc. In the interest of rural Bengal all the A. G. Hospitals should be made permanent. The Finance Minister who is in charge of Local Self-Government and Medical Department ought to have thought it prudent to establish one of the T. B. hospitals either in East Bengal or in North Bengal.

The provision for seed store at each thana headquarters to the extent of 18 lakhs has been appreciated by many of us. But according to many

of us the Department of Agriculture is a failure for all practical purposes. We have not yet been enlightened as to what effective result was produced by the allotment of 41 lakhs for establishment of seed multiplication and jute multiplication farms in the last year's budget. There is a proposal for broadcasting of 45 lakhs for research-*cum*-breeding station at Haringhata and 16 lakhs for establishment of 4 livestock breeding farms and stud bulls. I doubt very much whether these projects will ever materialise. In this way lakhs and crores have been wasted after experiments. But alas the Department of Agriculture has remained the self-same theoretical department. Experts from Europe and America have devoured much of Bengal's fortune with no net result. The Department of Agriculture is now dominated by officers indented from the Punjab. It is said that the Punjab has made considerable progress in agriculture. But may I know what agricultural training these officers did undergo before they were taken to this department? Is it a fact that in the name of improvement of agriculture even *kodalis* and *baltees* which are available in large quantity in Bengal are being indented from the Punjab? One word about seeds. Let us hope that seeds will be multiplied by the multiplication farms, but let not our misfortune be multiplied along with that. Sir, I know of instances where seeds of *aman* paddy supplied to farms by the contractors turned out to be *aush* and mustard seeds supplied were too old with the result that they never germinated. But in spite of complaints the lucky contractor did not suffer in the least. Two lakhs 97 thousands provided for construction of buildings in connection with poultry schemes, I am afraid, will not be a good investment.

Now about industry, no scheme or project has been presented to us for spread of cottage industry. It appears from the budget that attempts will be made to overindustrialise the surroundings of Calcutta. The extension of electric power up to Burdwan will also help the growth of industry on the two sides of the line in West Bengal. I do not know what prevented the Government to introduce a similar scheme in North and East Bengal. So in a word the fate of East Bengal and North Bengal is sealed, so far as industrial improvement is concerned.

The Civil Supplies Department is another cause of anxiety to the public. Fortunately or unfortunately one amongst us is holding the portfolio. We are tired of hearing about maladministration and corrupt practices in that department. I do not think the Hon'ble Minister has succeeded in running the administration with a strong hand. We are disappointed to hear that X is still ruling and Y is bossing even though he is said to be at the helm of affairs. The provision for 400 Jeeps and 4 speedy light planes in the last year's budget gave us the hope that the Ministers and the high officials will have extensive tours all over the province and thereby mitigate public sufferings. But here too we are disappointed. In the present budget one lakh 70 thousands have been provided for Parliamentary Secretaries in place of 93 thousand of the previous year and in place of 4 lakhs there is an allotment of about 7 lakhs for Ministers. Let us hope that things will improve to a great extent in future. If the honourable Ministers sincerely want our co-operation, then we as party members will certainly lend it, nay, I am sure, even members of the Opposition will not deprive them of the same if they really mean business and not mere show.

The absence of any provision in the budget for compulsory primary education and to give effect to the proposed Secondary Education Bill, if passed into law, has caused apprehensions in the minds of many. Many bright hopes were held out to the public at the time of the last election about these two measures of legislation and the abolition of Permanent Settlement, but it appears that all these three measures are going to be shelved for an indefinite period. We demand a definite statement in this connection from the Ministers holding the respective portfolios on the floor of this House at a very early date.

Before I resume my seat, Sir, I must say that I am really sorry to remark that honourable Ministers holding the different portfolios might have been present in the Chamber at the time of the discussion of the budget by this House. We consider their presence to be a privilege which the honourable Ministers should not think of denying to us.

**Mr. PRESIDENT:** I do not think I should call upon any other member to speak today. But what about the date to which the House should be adjourned?

**The Hon'ble Mr. MOHAMMED ALI:** Sir, it has already been agreed upon that there should be no sitting of this House on the 3rd and 4th March. The House can, therefore, be adjourned till the 10th March, when we can get through the Ordinance Bill and on the 11th and 12th we may resume the general discussion of the budget.

**Mr. PRESIDENT:** I would rather suggest that we should not fix the 11th and 12th March at this stage for the discussion of the budget, because it would not be wise to anticipate what time would be taken by the Ordinance Bill. It would be better to wait and see.

**The Hon'ble Mr. MOHAMMED ALI:** All right, Sir, as you suggest I have no objection.

**Mr. PRESIDENT:** Besides, one day may not be sufficient for the Bill.

**Mr. KAMINI KUMAR DUTTA:** Yes, one day may not be sufficient.

**The Hon'ble Mr. MOHAMMED ALI:** Then the discussion of the budget may be resumed after the disposal of the Ordinance Bill.

**Mr. PRESIDENT:** Yes, I think that would be more convenient. We can resume the budget discussion after the Ordinance Bill is finished. The House, therefore, stands adjourned till 2-15 p.m. on Monday, the 10th March.

## Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 10th March, 1947.

**Members absent.**

The following members were absent from the meeting held on the 28th February, 1947:—

(1) Mr. L. P. S. Bourne,
(2) Mr. Yusuf Ali Chowdhury,
(3) Mr. Mungturam Jaipuria,
(4) Alhadj Khan Bahadur Shaikh Md. Jan,
(5) Mr. Humayun Z. A. Kabir,
(6) Mr. Syed Abdul Mazid,
(7) Mr. T. B. Nimmo,
(8) Dr. Kumud Sankar Roy,
(9) Mr. Biswanath Roy, and
(10) Mr. Haji Md. Yusuf.

WBGP-47/8-3429A-7[illegible]

# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947—No. 14.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 10th March, 1947, at 2-15 p.m., being the fourteenth day of the First Session of 1947, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

### Obituary References.

**Mr. PRESIDENT:** Order, order. Honourable members of the Council, it is the melancholy duty of the Chair to refer to the demise of Sir Francis Stanely Jackson, an *ex*-Governor of Bengal. This sad incident took place in London on the 9th of March. He was a prominent cricketeer, a great sportsman and was long associated with the Marylebone Cricket Club. He was for some time the Chief Whip of the Conservative Party and also Financial Secretary to the War Office between 1922 and 1923. He was the Governor of Bengal from 1927 to 1932. He was universally popular and respected by Europeans and Indians alike. We deeply mourn his loss.

Rai Bahadur Jogendra Chandra Ghosh died in Calcutta at the ripe age of 87 on the 3rd March. He was an advocate of the High Court and a fellow of the Calcutta University for a long time. He was an educationist and took considerable interest in promoting the Association known as the Scientific and Industrial Association for Indians Abroad of which he was the Founder Secretary. We deeply mourn his loss.

May their souls rest in peace.

I would now request honourable members to rise in their places as a mark of respect to the departed souls.

(After the members have risen in their places.)

Thank you. Now with the permission of the House I would convey the sympathy of the Legislative Council to the members of the bereaved families.

## QUESTIONS AND ANSWERS

### Recommendations of the Bhore Committee.

**64. Rai Bahadur BROJENDRA MOHAN MAITRA (on behalf of Mr. Birendra Kishore Roy Chowdhury):** Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state—

(*a*) if the attention of the Government of Bengal has been drawn to the recommendations of the Committee of Public Health, popularly known as the Bhore Committee; and

(*b*) if so, what steps the Government of Bengal are contemplating to implement these recommendations?

**MINISTER in charge of the DEPARTMENT of HEALTH and LOCAL SELF-GOVERNMENT (the Hon'ble Mr. Mohammed Ali):** (*a*) Yes.

(*b*) The Development Schemes undertaken by the Public Health and Medical Branches of Health and Local Self-Government Department

implement some of the more important short-term recommendations of the Bhore Committee. Schemes 187 and 191, for instance, are in accord with the short-term recommendations of the Committee with regard to water-supply. Schemes 185 and 189 implement some of the recommendations with regard to Leprosy and Tuberculosis respectively, while Scheme 188 deals with malaria control as envisaged in the Bhore Report. In addition, it is proposed to implement the main recommendations of the Committee in two selected areas, Polba in district Hooghly and Kaliganj in district Dacca as pilot experiments and to await the results of these experiments before finally accepting all the recommendations for the Province as a whole.

### Educational Plan for five years.

**65. Mr. LALIT CHANDRA DAS:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether there is a 5-year Educational Plan drawn up by Government for developing general and technical education in Bengal?

(*b*) Will the Hon'ble Minister be pleased to give us in short an outline of that plan?

(*c*) Will the Hon'ble Minister be pleased to give us also an approximate estimate of the costs therefor?

(*d*) Is it a fact that there is the dearth of educational, general and technical experts to carry out that scheme? How will Government meet this difficulty?

**MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Saiyed Muazzamuddin Hosain):** (*a*) Yes.

(*b*) and (*c*) Individual items of the plan are now being examined by the Development Department and after they are approved and sanctioned by India Government, the whole plan will be published.

(*d*) Yes, but an endeavour is being made to get trained staff either by recruitment from abroad or by sending students for advanced studies in foreign countries.

**Mr. BIREN ROY:** Arising out of the reply to (*d*), is there any committee to select such students who are sent abroad?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Yes.

**Mr. LALIT CHANDRA DAS:** How many years will it take to bring the trained students back to Bengal to undertake the work?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** They are generally sent for two years' training.

**Mr. BIREN ROY:** What is the personnel of the committee?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Some of them are being selected by the Public Service Commission and some are being selected by *ad hoc* committees set up for the purpose. The personnel differs from year to year.

**Mr. HARIDAS MAZUMDAR:** In (*c*), the reply says, "Individual items of the plan are now being examined by the Development Department and after they are approved and sanctioned by India Government, the whole plan will be published". May I request the Hon'ble Minister to publish the scheme as soon as the examination is over so that the public may offer healthy criticisms before they are sent out to Delhi?

**Mr. PRESIDENT:** That is a suggestion and not a question.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Unless and until the plan is finally examined by the Government of India we do not propose to publish it.

**Khan Bahadur GHYASHUDDIN PATHAN:** Arising out of (*b*), how long has it been under examination by the Development Department and what time it will take to finish the examination?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** They are examining item by item and they have taken six months and it is expected that they will take six months more to finish the examination.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister be pleased to state if communal ratio is being observed in selecting the candidates?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Yes, we insist on communal ratio being observed.

### The post of the Director of Public Instruction, Bengal.

**66. Rai Bahadur BROJENDRA MOHAN MAITRA (on behalf of Mr. Birendra Kishore Roy Chowdhury):** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state who is the permanent incumbent of the post of Director of Public Instruction, Bengal?

(*b*) Who is officiating in his place at present?

(*c*) When is the retirement of the officiating incumbent due?

(*d*) What arrangements have been made for filling the post of Director of Public Instruction when the officiating incumbent retires?

(*e*) Is it a fact that the present officiating incumbent was chosen in supersession of senior officers in the department?

(*f*) Will the Government give an assurance that no such supersession will take place when the post is filled after the retirement of the present officiating incumbent?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** (*a*) Mr. A. K. Chanda.

(*b*) Dr. Snehamoy Dutta.

(*c*) Dr. Dutta will reach the age of superannuation in October, 1949.

(*d*) No arrangements are at present necessary.

(*e*) There has been no supersession of any officer.

(*f*) Government will take into consideration the claims of all officers.

### Behari refugees accommodated by the Bengal Government.

**67. Mr. LALIT CHANDRA DAS:** (*a*) Will the Hon'ble Minister in charge of the Department of Co-operation, Credit and Relief be pleased to state whether it is a fact that over 18,000 Behari refugees have been accommodated by the Bengal Government in 8 camps opened in Asansol subdivision?

(*b*) Is it a fact that for all these camps the Bengal Government have appointed 8 Superintendents, 12 Assistant Superintendents, about 60 clerks and general assistants and about 60 *methars* and menials? If not, what are the accurate figures in respect of these officers and staff? What is the total cost for this staff?

(*c*) Of the officers, clerks and assistants, is it a fact that in appointing them, Communal Ratio Rules have not been observed and that all are Muslims? If so, why? Will Government consider the desirability of repatriating these refugees at an early date? If not, why not?

**MINISTER in charge of the DEPARTMENT of CO-OPERATION, CREDIT and RELIEF (the Hon'ble Mr. A. F. M. Abdur Rahman):** (*a*) Yes.

(*b*) No.

The accurate figures are 8 Superintendents, 17 Assistant Superintendents, 18 clerks, 32 sweepers and 132 servants. Rs.24,277 per mensem.

(*c*) Yes. It has been found essential that for the smooth running of the camps they should be Muslims. Government will consider the desirability of repatriating those who are now willing to go back to their Province.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister please state how many months this amount——

**Mr. PRESIDENT:** Mr. Das, will you please speak up? I cannot follow you.

**Mr. LALIT CHANDRA DAS:** My question is for how many months Government will spend Rs.24,277 per mensem to keep up the camp at Asansol?

**The Hon'ble Mr. A. F. M. ABDUR RAHMAN:** I ask for notice.

**Mr. HARIDAS MAZUMDAR:** Will the Hon'ble Minister please inform the House whether any Special Officer has been appointed to take charge of this camp? If so, what is his name?

**The Hon'ble Mr. A. F. M. ABDUR RAHMAN:** There is no Special Officer for this camp, but there is a Special Officer for the Bihar refugees. His name is Mr. Ali Ashgar, I.C.S.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister please state what apprehensions were working in the minds of Government in not observing the communal ratio rules in the appointment of the staff of the camp—why are they all Muslims?

**The Hon'ble Mr. A. F. M. ABDUR RAHMAN:** We have found it expedient by experience that for the Muslim Relief Camps there should be Muslim officers and for the Hindu Relief Camps there should be Hindu officers and that is the reason why in this case all the staff are Muslims.

**Mr. PRESIDENT:** Question No. 68.

**The Hon'ble Mr. MOHAMMED ALI:** May I request you, Sir, to kindly hold this question over?

**Mr. PRESIDENT:** Yes. Question No. 68 is held over. Questions over.

## The Bengal Ordinances Temporary Enactment Bill, 1947.

**Mr. PRESIDENT:** Let us now take up the Bengal Ordinances Temporary Enactment Bill, 1947.

**Mr. LALIT CHANDRA DAS:** I rise on a point of order, Sir. In the Order Paper for today the Bengal Ordinances Temporary Enactment Bill, 1947 (as passed by the Assembly) is shown after Questions and Answers. I submit, Sir, that this violates rule 23 of the Bengal Legislative Council Procedure Rules and that rule says, "All business appointed for any day and not disposed of on that day shall stand over until the next day of the session available for business of the class to which it belongs". Sir, on the last sitting day we had our discussion on the General Budget and that had not been ended. It is to continue still. So I submit, Sir, that under rule 23 we are entitled to have budget discussion today, I mean general discussion on the budget and before that general discussion on the budget is over this business cannot be taken up nor can it come up under rule 23.

**The Hon'ble Mr. H. S. SUHRAWARDY:** May I say a word, Sir? The rule is quite clear, I mean rule 23. It says that all business appointed for any day and not disposed of on that day shall stand over until the next day. That means that such business is to be carried over to the next day, but the rule does not say that such business shall be placed first on the Order Paper of the next day.

**Mr. LALIT CHANDRA DAS:** I have also looked up the rule. It is clear. But it does not say what the Hon'ble Minister has said. It is commonsense that a business not disposed of on a previous day should be taken up first on the next available day and disposed of and then only other business can come in. Not only has no priority been given for the general discussion of the budget as the first item after the question hour, but also there is absolutely no mention whatsoever in the agenda that there would be budget discussion today although the discussion of the budget still remains incomplete.

**Mr. PRESIDENT:** The point is this, Mr. Das. You know that dates for the discussion of the budget are fixed by the Governor under the Bengal Legislative Council (Governor's Rules). Such dates are not governed by the rules you refer to.

**Mr. LALIT CHANDRA DAS:** But we have the Bengal Legislative Council Procedure Rules so far as conducting business in this House is concerned.

**Mr. PRESIDENT:** There are two sets of rules. One is the one you refer to and the other is the Governor's Rules and the Governor's Rules have precedence over other rules and the Governor fixes the dates for the discussion of the budget.

**Mr. HARIDAS MAZUMDAR:** Can discussion of the Supplementary Budget Grants take place before general discussion of the budget is over?

**Mr. PRESIDENT::** That question does not arise; that is not the point raised by Mr. Das.

**Mr. BIJOY SINGH NAHAR:** On a point of order, Sir. The last Bill that this House was discussing before the House reassembled today after the adjournment was the Calcutta Rent Bill. We have not finished discussion on that Bill and yet we do not find that Bill as the first item in today's agenda after the question hour is over of course and some other Bill is shown which is rather curious and is not permissible under rule 23 of the Council Procedure Rules.

**Mr. PRESIDENT:** May I refer you to rule 20(*1*) of our Rules which says, "At times when Government business has precedence, the Governor may arrange that business in such order as he thinks fit". So the Governor has got the right to prepare the Order Paper in any manner he likes. He can change it also.

**Mr. BIJOY SINGH NAHAR:** I do not question the powers of the Governor, Sir. What I say is that under our rules a business not disposed of on a previous day should have precedence over other business on the following day. I was referring to the Calcutta Rent Bill which has not been shown in today's Order Paper as the first item for discussion as the discussion on that Bill is not yet over. A partly discussed Bill should have precedence over new Bills.

**Mr. PRESIDENT:** This Bill which is shown in today's Order Paper is Government business and the Governor can vary the Order Paper directing which Government business should be taken up first. Please look up rule 20(*1*) where it is clearly laid down what the Governor can do. That is the position, Mr. Nahar.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that the Bengal Ordinances Temporary Enactment Bill, 1947, as passed by the Assembly, be taken into consideration.

**Mr. LALIT CHANDRA DAS:** Sir, I rise on a point of order. My first point in this point of order is that what is being attempted to be done is not a Bill as we understand it, containing provisions to which we are entitled to submit amendments, but the Ministry is arrogating to itself powers and rights which are not given to it under the Government of India Act, 1935. Practically, Sir, if you look to this Bill, it is really an Ordinance and not a Bill.

**Mr. PRESIDENT:** Mr. Das, will you please allow the Hon'ble Minister to move his motion first? A point of order can arise only out of a matter which is before the House. So, please let him move the motion first and then you can raise your point of order.

**Mr. LALIT CHANDRA DAS:** Sir, he has already moved it.

**Mr. PRESIDENT:** No, he had not finished when you interrupted. Go on, Mr. Suhrawardy.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, several Ordinances which had been passed under the Defence of India Rules by the Government of India and thereafter adopted by this Government lapsed about the 30th of September, 1946. These Ordinances touched the jurisdiction of Provincial Governments and consequently they lapsed six months after the expiry of the Defence of India Rules. We had therefore the alternative of either allowing the Ordinances to lapse altogether and wait for the Legislature to assemble before we could place them before it in the form of a Bill or Bills or to enact the Ordinances ourselves. Some of the matters affected by the Ordinances were matters of such seriousness that if any time had been allowed to elapse between the lapsing of the Ordinances and their enactment into Acts the whole scheme of distribution would have been thrown into confusion. Also, we had passed through very difficult times, as everybody is aware, in Calcutta and in other parts of the province and it was necessary that Government should take in their hands certain powers for the purpose of preserving peace and quelling disorder and lawlessness. For these two purposes the Ordinances were promulgated by the Government. I wish to assure the House that Government have no desire whatsoever to govern through the medium of Ordinances, but the situation happened to be so critical and was so extraordinary that we had no alternative but to promulgate those Ordinances. As the House is aware, these Ordinances will lapse within six weeks of the sitting of the Legislature and hence these Ordinances will lapse on the 17th March. Now, in order that the provisions of these Ordinances should form part of an Act, it became necessary that we should enact these provisions in the form of an Act of the Legislature.

Now, Sir, if we had taken each of these Ordinances separately and introduced them as separate Bills then we know, and the House knows, that the legislation procedure is so dilatory that we could not have got through a single Bill by the time these Ordinances lapsed, namely, by the 17th March, 1947. Consequently it has been considered not only desirable but imperative that the provisions of these various Ordinances should be enacted by reference and in one compendious Act. The Ordinances have all been collected in a schedule. These Ordinances are not being enacted and we are not continuing the Ordinances. What we are doing is that we are enacting the provisions of these Ordinances by reference. That is the procedure which has been observed in the House of Commons when it has been considered necessary to put through several measures in one compendious Act and where time has not been available to get through individual Acts. In this House too this practice has been resorted to on two definite

occasions when the provisions of several Ordinances have been enacted by reference in the manner in which we are proposing now. So this is nothing new and I am sure that the House will appreciate the necessity of putting through these Ordinances before the 17th March and will support us in the measures placed before the House.

**Mr. PRESIDENT:** Motion moved that the Bengal Ordinances Temporary Enactment Bill, 1947, as passed by the Assembly, be taken into consideration.

**Mr. LALIT CHANDRA DAS:** On a point of order, Sir. The Government of India Act, 1935, provide for Ordinances by sections 88 and 89. By section 88 the Governor can promulgate Ordinances during recess of the Legislature and by section 89 the Governor can promulgate Ordinances at any time in respect of certain subjects. But what the present Ministry attempts to do is to enact the Ordinances thereby usurping the power of the Governor. The Bill is named the Bengal Ordinances Temporary Enactment Bill, 1947, a Bill for the purposes of enacting the Bengal Ordinances. Really if you will kindly look to the Bill itself as presented before the House, you will find that the whole thing is contained in its schedule. The schedule makes reference to 10 different Ordinances, namely the Bengal Civic Guards and Collective Fines Continuance Ordinance, the Molasses Control Ordinances, the Bengal Drug Control Continuance Ordinance, and so on and so forth. They have only mentioned the Ordinances. In fact, had this been a Bill there would have been 10 different Bills containing provisions of all these Ordinances and then the members would have been called upon to submit their amendments in respect of each of those Bills. Instead of that they have practically usurped the power of the Governor and have taken upon themselves the power of enacting the Ordinances——

**Mr. PRESIDENT:** What is your point Mr. Das?

**Mr. LALIT CHANDRA DAS:** My point is that the Ministry have no power to promulgate an Ordinance. They are not enacting any law. A Bill containing provisions of these Ordinances should have been framed and then it should have been put before the House.

**Mr. PRESIDENT:** Do you say that the Government are promulgating Ordinances?

**Mr. LALIT CHANDRA DAS:** Yes, Sir. I will give another instance. Take for instance——

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, may I draw the attention of the honourable member to the second paragraph of the Bill——

**Mr. LALIT CHANDRA DAS:** I am not giving way. **(The Hon'ble Mr. H. S. Suhrawardy:** I know that.) Now, Sir, take the case of the Calcutta Rent Ordinance. Supposing today or tomorrow the Chief Minister succeeds in passing this Bill into Act then what would be the effect of this Ordinance Bill upon the Calcutta Rent Bill, 1947. As a matter of fact we are in seizin of that Rent Control Bill. That Bill was referred to a Select Committee, the Select Committee has already submitted its report and we are now considering the different provisions of the Bill. There are only a few sections left——

**Mr. PRESIDENT:** What is your point of order?

**Mr. LALIT CHANDRA DAS:** My point of order is this that this Bill is not to be an Act of the Legislature in the sense we understand, it is really promulgating Ordinances. The Government is really usurping upon themselves powers which are not given to them by law. Ten different Bills should have been put separately with their provisions so that we could submit our amendments. This is the usual practice.

**Mr. PRESIDENT:** Mr. Das, I think I have followed your point. You object to these Ordinances being enacted into law in one Bill. That is your first point and the next point is that you have not the opportunity of putting in amendments to the clauses of the Ordinances.

**Mr. LALIT CHANDRA DAS:** No, Sir, my point is that in the guise of a Bill they are really promulgating Ordinances. In the usual course a whole month would have been necessary to enact these Ordinances.

**Mr. PRESIDENT:** In any case, these Ordinances have now come before the House in the form of a Bill. The Bill has been passed by the other House. I may draw your attention to the Preamble of the Bill. "Whereas the Ordinances specified in the schedule which have been promulgated by the Governor of Bengal under section 88 of the Government of India Act, 1935, are, by virtue of clause (*a*) of sub-section (2) of that section, temporary in their duration;

And whereas it is expedient to provide for the temporary enactment as in this Act mentioned of the provisions contained in those Ordinances."

So, this Bill is really to enact those Ordinances, to put them on the Statute Book as ordinary Acts.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, Sir, enacting those provisions of the Ordinances through the medium of reference.

**Mr. LALIT CHANDRA DAS:** Sir, may I draw your attention to the Statement of Objects and Reasons of this Bill? I draw your attention to the last sentence of it. "This Bill has, therefore, been drafted with the object of temporarily enacting the provisions of the said Ordinances so as to afford sufficient time for the separate consideration and enactment *in extenso* of the provisions of each of the said Ordinances. Bills for the latter purpose are separately being introduced. Bills for the latter purpose are separately being introduced in the Provincial Legislature." Sir, mark the words "separate consideration and enactment *in extenso*"——

**Mr. PRESIDENT:** But the Statement of Objects and Reasons is not before the House.

**Mr. LALIT CHANDRA DAS:** That is a part of the Bill, Sir. So what the Government are doing is nothing but promulgating Ordinances through the medium of this House which is to do legislative business in proper manner.

**Mr. PRESIDENT:** Order, order. It has come before the House in the form of a Bill already accepted by the other House. So I do not think we can refer to the Objects and Reasons. The Objects and Reasons were meant for the other House. Here it is in the form of the Bill as passed by the Assembly.

**Mr. LALIT CHANDRA DAS:** Whatever has been done in the other House, even if they have passed it, never mind, I think we are entitled to raise points of order where necessary and to show in this case how the Bill is really not a law draft of proposed law but merely Ordinance. Although the Assembly have passed it, I think I am within my rights to point out here what they are attempting to do which merely is the promulgation of Ordinances and not enacting any law. This Statement of Objects and Reasons, although meant for the Assembly, has been circulated to us along with the Bill. So I can refer to it and to point out what is at the back of the Ministry's mind. They are only biding time. They say in the Statement of Objects and Reasons, "This Bill has, therefore, been drafted with the object of temporarily enacting the provisions of the said Ordinances so as to afford sufficient time for the separate consideration and enactment *in extenso* of the provisions of each of the said Ordinances. Bills for the latter purpose are separately being introduced in the Provincial Legislature."

Sir, the Ordinances already promulgated by the Government are being put through this Legislature hurriedly so as to give the colour to it that it is an Act of the Legislature. I again say that it is nothing but promulgating Ordinances. Promulgation of Ordinances can very well be done by the Governor under section 89 of the Government of India Act. This is one thing, Sir, which I would like you to consider. Another point which I would like you to consider, Sir, very seriously is what would be the position, if this Bill is passed, of the Calcutta Rent Bill which is before the House in an incomplete stage. This Bill now before the House has in its schedule The Calcutta Rent Ordinance, 1946. If this Calcutta Rent Ordinance, 1946, shown as one of the many Ordinances in the schedule, becomes an Act then I want to know what would be the position of the Calcutta Rent Bill. The House was in seizin of that Bill the other day. We have already gone through some portions of it. So what is the point in bringing all the Governor's Ordinances including the Calcutta Rent Ordinance, 1946, under one Bill and having them enacted into law in the same form? This House must go through the Ordinances one by one in the form of different Bills containing their provisions and transact legislative business in the proper manner as is done in other cases. The Government cannot promulgate Ordinances through the Legislature. As such they should not be allowed to proceed with this Bill as there is no power conferred on them under the Government of India Act to promulgate Ordinances.

**Mr. PRESIDENT:** I am sorry I cannot agree with you, Mr. Das. What I feel is this that the Government are within their rights in moving this Bill. That it has precedence over a Bill which is still incomplete, of course that is a fact. The matter is not free from doubt. It is a matter of considerable complexity. But following the usual convention of this House, when there are doubts and it is not clearly a case of a measure being *ultra vires* of the Legislature we have allowed the matter to be considered by the House and I have to do so accordingly. If its validity is questioned that can be done only in a court of law. As regards the point raised by you with reference to the Calcutta Rent Bill, I may say that this Bill has to be passed by this House, then by the other House, then it must seek the Governor's assent, may be the Governor-General's assent too, before it becomes an Act. This will all take much time, and if this Bill is passed by the House, the Calcutta Rent Ordinance, 1946, contained in it, will be kept alive till such time as is required, at least till such time as the Calcutta Rent Act comes into force when this Ordinance will be repealed.

**Mr. BIJOY SINGH NAHAR:** On a point of order, Sir. We cannot entertain this Bill, Sir, because we are already considering another Bill which is a part of this Bill, namely, the Calcutta Rent Bill. Can we consider two Bills on the same subject at the same time in two different forms?

**Mr. PRESIDENT:** We are not considering two Calcutta Rent Bills. The Bill before the House is The Bengal Ordinances Temporary Enactment Bill, 1947.

**The Hon'ble Mr. H. S. SUHRAWARDY:** There are precedents. We have passed or rather considered as many as 10 Bills amending the Bengal Tenancy Act at one and the same time. You can consider that. The way we want or intend to proceed is this: that the Rent Bill which this House is considering and which we do not know when it will be enacted into law, because the mere consideration by this Hosse and passing by this House does not turn any Bill into an Act until it has been passed by the Lower House as well, we intend to put in a provision in the Bill repealing such provisions in the Bengal Ordinances Temporary Enactment Bill, so the provision of the Rent Control Ordinance will automatically disappear as soon as this Rent Bill is passed into law. There cannot be at any time two conflicting statutes on the Statute Book.

**Mr. LALIT CHANDRA DAS:** How will the Rent Ordinance automatically disappear, as it will be part of the new Bill that we are asked to consider?

**Mr. PRESIDENT:** As the Hon'ble Minister said just now, the Rent Act under this Bill will be repealed by a later Act, and the Ministry propose to put in a section in the Bill in the other House to that effect.

**Mr. BIJOY SINGH NAHAR:** May I say one word on this point of order?

**Mr. PRESIDENT:** But you must finish it quickly.

**Mr. BIJOY SINGH NAHAR:** What Mr. Suhrawardy has said practically supports my view point. He has said two Bills of the same nature are being considered in the same House and he does not know what time will be taken to pass the Rent Bill into law and so he wants the same Bill, the same thing, to be considered——

**Mr. PRESIDENT:** Well, it may not be the same thing. Take for instance one concrete case. Suppose that three or four Bills are introduced by different non-official members in this House and they may all aim at amending the Bengal Tenancy Act; so that all those Bills are before the House simultaneously. So long as the provisions of one Bill do not conflict with the provisions of another, I think there is no difficulty.

**Mr. LALIT CHANDRA DAS:** But, Sir, in that case, namely, in the case of the Bengal Tenancy Amendment Bills, a number of them coming up and being passed, they relate to different sections of the main Act.

**Mr. PRESIDENT:** May or may not relate to different sections; may also relate to the same sections.

**Mr. LALIT CHANDRA DAS:** But the whole of the Calcutta Rent Ordinance is going to be enacted into an Act and there will also be the same Act under this Ordinance Enactment Bill, the latter, however, lasting only six months.

**Mr. PRESIDENT:** But Mr. Das, what makes you assume that that bill which will emerge from this House and the other House and will ultimately receive the assent of the Governor or of the Governor-General will be exactly the same as the one now before the House? In this view, I am not prepared to discuss your point of order further.

**Mr. BIJOY SINGH NAHAR:** May I rise on another point of order? Sir, so far as I can see, it is not a Bill; in a Bill we are entitled to propose amendments, but in the case of this Bill we are not entitled to do so, because the whole thing is not before the House.

**Mr. PRESIDENT:** I have considered that point also. You would have been perfectly justified in putting in amendments to the clauses of this Bill provided that you had also at the same time put in amendments for modifying the Preamble and the Title of the Bill. But I have received no such amendment.

**Mr. BIJOY SINGH NAHAR:** But we thought that we were not entitled to do so.

**Mr. PRESIDENT:** No question of your thinking in that way; if you make a mistake, I cannot rectify it. It was open to you to put in amendments for modifying the Title and the Preamble of the Bill and you could also put in amendments for amending provisions of those Ordinances——

**Mr. BIJOY SINGH NAHAR:** Our difficulty was that the whole of the Ordinances was not before the House.

**Mr. PRESIDENT:** They were published in the Gazette.

**Mr. BIJOY SINGH NAHAR:** Yes, Sir, they were published in the Gazette in the form in which they would only have the force of the previous Ordinance of the Government of India and in fact the Government of India Ordinances are not before us.

**Mr. PRESIDENT:** In any case these Ordinances were published in the Gazette at one time, so you should not say that they were not before the public——

**Mr. BIJOY SINGH NAHAR:** But, Sir, those Ordinances are the Government of India Ordinances——

**Mr. PRESIDENT:** Mr. Nahar, I do not think there is anything in your point of order.

Now, is there any objection to taking up the Bill for consideration?

**Mr. BIJOY SINGH NAHAR:** Yes, Sir, I oppose the consideration of the Bill. From the Statement of Objects and Reasons of the Bill it appears that Government still think that it is necessary to have all these Ordinances which have been incorporated in the schedule. It has been pointed that the circumstances necessitate the promulgation of such Ordinances as are specified in the schedule to this Bill continue to exist——

**Mr. PRESIDENT:** There is one thing I would ask. I would ask the movers of the amendments to move their amendments first regarding consideration of the Bill.

**Mr. LALIT CHANDRA DAS:** Sir, we are opposing the consideration of the Bill and if we succeed then the question of amendments will not arise at all——

**Mr. PRESIDENT:** Ultimately the motion that the Bill be taken into consideration will have to be put to vote. But when the substantive motion has been moved the amendments will follow and if any amendment is carried the motion will be put in an amended form, otherwise the original motion will be put to the vote. That is the proper procedure.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I do not understand how after all these years of parliamentary experience these gentlemen speak like that.

**Mr. LALIT CHANDRA DAS:** Sir, I think the main motion for consideration should be taken up first——

**Mr. PRESIDENT:** That is never the practice.

**Mr. BIJOY SINGH NAHAR:** But, Sir, unless the consideration motion——

**Mr. PRESIDENT:** Mr. Nahar, will you just try to understand what I say? When the substantive motion is moved it is always the practice to move amendments, if any, on the substantive motion. Then the amendments are put to the vote first and if the amendments are defeated then the original motion is put to the vote and then the House has the right to accept or reject it. But if all or any of the amendments are accepted the original motion, as amended, is put to vote and then the House has a right to accept or reject the motion as amended.

**Mr. LALIT CHANDRA DAS:** With regard to practice, the general practice is to take up the consideration motion first and then go on with the amendments. But such occasion very rarely arises. So we oppose the consideration of the Bill and if we fail then the amendments will come and it is our privilege to rise up and say that we oppose the consideration of the Bill. If we succeed then there will be no question of amendments, either

in select committee motion or circulation motion. When the main proposition is before the House that this Bill is to be considered, we have got a right and privilege——

**Mr. PRESIDENT:** Would you please look to rule 52 which says that the circulation motion or reference to select committee motion can be moved when the motion that the Bill be taken into consideration is moved and at no other time?

**Mr. ABDULLAH-AL-MAHMUD:** Sir, Mr. Das had already raised a point of order regarding the 10 Ordinances which are going to be enacted. His objection was to the introduction of these Orsinances. You have already given your ruling on that. Can he now refer to it again——

**Mr. PRESIDENT:** That is not a point order. Either he moves his amendment and he speaks on the motion itself or votes against the original motion. Mr. Das, will you move your amendment or you will not move it?

**Mr. LALIT CHANDRA DAS:** I will move it. Sir I beg to move that the Bengal Ordinances Temporary Enactment Bill, 1947 (as passed by the Assembly) be circulated for the purpose of eliciting opinion thereon by the 30th June, 1947. My submission is that the Chief Minister in one of his arguments said that he was struggling against time as the Ordinances were going to expire very soon. He was suggesting that he would come later on with the different Bills embodying the provisions of the Ordinances and get them passed. Instead of adopting this dubious way of rushing this Bill through, which concerns us and in fact affects the rights and liberties of the people in various ways, I should think that the people should be given an opportunity of expressing their opinion on these Ordinances. The Government says that the provisions of the Ordinances are essential for the maintenance of peace and order and also for conducting the administration and that the Ordinances will expire on the 17th March. But, Sir, they could adopt a straightforward course and that would have been to request His Excellency to exercise his power under section 89 of the Government of India Act, 1935, to promulgate Ordinances which His Excellency can do at any time so that if the Ordinances are promulgated by His Excellency then there will be no question of shortness of time. Sir, the Government can respect the wishes of the public by allowing the public to express their opinion on these Ordinances. They can cause them to be circulated and for the public express their opinion whether they have any objection to the enactment into law of these Ordinances. These Ordinances seriously affect the rights and privileges of the people of Bengal and so they should be circulated for the purpose of eliciting opinion thereon by the 30th June, 1947, and some time should be given and that time is not long. I have mentioned the time as the 30th June, 1947, within which time public opinion could be easily gathered. Among the Ordinances, the Bengal Special Powers Ordinance, 1946, is a very dangerous Ordinance. Under this the civic rights of the citizens are jeopardised; their liberty may be disturbed at every step and the people rendered absolutely without any means of redress against the arbitrary acts of the Government or their servants. The people can be detained; they can be imprisoned; sent outside the province at any time without any reason; they may not be allowed to hold meetings in public or even in private places. I view this Ordinance with grave concern and I think this is a matter on which the public should be asked to express an opinion. I cannot understand why the provisions of the ordinary law are not sufficient for the purpose of carrying on the administration. The Government are already doing things that are contemplated to be done under the provisions of these Ordinances, under other laws. They are prohibiting the public in their attempts to hold meetings by using section 144, Criminal Procedure Code. In certain other places, they have shot down people, for example, the Hajangs of Mymensingh and in other places also, they are seeting on merrily with the exercise of the powers

under ordinary laws of the land. Sir, the people are very seriously affected by each and every one of these Ordinances. So it is very important that these Ordinances, more especially the Bengal Special Powers Ordinance, 1946, should be circulated for the purpose of eliciting public opinion. With these words I commend my motion for the acceptance of the House.

**Rai Bahadur BROJENDRA MOHAN MAITRA:** Sir, I beg to move that the Bengal Ordinances Temporary Enactment Bill, 1947, be circulated for the purpose of eliciting opinion thereon by the 31st March, 1947. My friend, Mr. Dass, has already advanced sound arguments in favour of circulating the Bill and he has already moved his amendment and mine is similar to that. The Chief Minister said that he does not wish to govern the province by Ordinances, but really he is doing the same thing by bringing forward this Bill embodying all the Governor's Ordinances. These Ordinances were promulgated to control the unruly elements in the country, but now I do not know whether these Ordinances will be directed against the innocent and law-abiding citizens. That is the reason why I wish that the public should give their opinion on these Ordinances, whether they are to continue or to end. I do not wish to delay the consideration of this Bill and so I have put the shortest date possible, namely, the 31st March, 1947, so that by that time we would have received public opinion.

**Mr. PRESIDENT:** Amendments moved—

(1) That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1947, and

(2) That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March, 1947.

**Mr. BIJOY SINGH NAHAR:** Sir, I rise to support the amendments moved by my friends for circulation of the Bill. We find that this Bill has been meant to introduce into Bengal lawless laws and proposes to rule by Ordinances. What we find in this Ordinances Temporary Enactment Bill is a catalogue of certain Ordinances which were promulgated in 1946, although there are some Ordinances which were in existence in the same form even in 1942. But, Sir, that was an emergent period during the continuation of the war when British Imperialism wanted to suppress the national movement and so introduced certain Ordinances. But I do not see what reasons our Ministry has to have those Ordinances still continuing, specially in Bengal when we are on the verge of a great transition. Do you think it is a sample of the future Government that we are expected to have from the hands of the present Ministry or the ministerial party or are we to take it that they want to rule Bengal not by laws or Acts which are to be considered by this House, but merely by Ordinances which are to be thrown or forced upon us according to their wish and pleasure? In the Statement of Objects and Reasons of the Bill it has been mentioned that as the circumstances necessitating the promulgation of such of these Ordinances as are specified in the schedule to this Bill continue to exist and have not materially changed, it is necessary to enact the provisions of the Ordinances, etc., etc. May I ask, Sir, what are those circumstances according to the Hon'ble Minister? Are those circumstances really prevailing today? What are the circumstances necessitating the continued existence of the Bengal Special Powers Ordinance and the Civic Guards Ordinance today? Do the Government think that we should still continue to have the same type of civic guards or the same type of A.R.P. personnel or things like that in Calcutta or in other parts of Bengal? Do the Government think that they require to have the same powers as they had under those Ordinances? Under one of these Ordinances the Government can arrest any person whom they please at their sweet will and pleasure. Why do they want to retain such powers at the present moment? Do circumstances which necessitated their promulgation still continue today? I do not think so and I also do not think there is any necessity to enact those Ordinances

into Acts of this legislature. Among such Ordinances is one called the Bengal Molasses Ordinances. This has been introduced to support the sugar industry, to support the capitalists. What is the present position? We find that if we go to the villages or to any towns we do not get any sugar and why? It is because Government have suppressed the production and supply of sugar or of *gur* which is the primary right of the citizens. Government have debarred them and even taken away the right of the people to eat sugar and *gur* or even to produce them in their own homes, and have thus created black-markets and profiteers out of these Ordinances. If these Ordinances were not there I am sure we could have got most of these things just like fountain pens which have now flooded the market, although there is a price control on it even now, and that they are being sold at much lower rates only because of their availability in larger numbers. So also is the case with medicines; many medicines are coming to Calcutta but are not released because Government themselves are supporting black-marketing and profiteering, all for the purpose of consolidating their party or for keeping their own party intact. If all these Ordinances under this Bill become law then I am sure people will curse you and not allow you to go on in this fashion or to rule by Ordinance. They want to be ruled by their own representatives and not by your whims and pleasures. With these words I support the motion for circulation.

**Mr. BIREN ROY:** Sir, in rising to support the circulation of the Bill I would mention several points. A few of these points have already been mentioned by Mr. Lalit Chandra Das and Mr. Nahar and which were practically supported by you although you subsequently ruled the point out of order. We have not before us the provisions of the Ordinances which are now to form part of this Bill. The names of the Ordinances are simply put down in a schedule which you want to rush through in a day's time, because the Chief Minister knows that even if we oppose it, he will be able to carry it through with his brute majority. I think, Sir, these Ordinances should not be enacted when the war is over. We do not think that these are necessary any longer. Why then the Bill is being rushed through? Is it merely done to crush the movement of the people of Bengal to rise up to a man to demand of the Muslim League in Bengal either to join the Centre with a unified Indian Government or divide it into two sections, East and West, and also to further their petty interests? But the people as a whole cannot be cowed down and your Ordinances will be of no avail. In spite of your Ordinances, in spite of your control, there is black-marketing rampant in the province and there are all sorts of lawless activities and we all know that these cannot be overcome by merely promulgating Ordinances Then, Sir, the Ordinances are not before us. You have overruled the point of order of Mr. Das on the ground that they were published in the gazette and that we members of the Opposition have not had the opportunity of placing our amendments in time on each and every section of the Ordinances so that we could bring them under discussion before the House. Sir, you yourself were at first doubtful about its legality, but then you corrected, if I could understand you alright, and said that we could have submitted amendments on the title and preamble of the Bill. Unfortunately we did not do it. We did not think it would be necessary because we thought and we still think that the Bill moved was out of order, but you ruled that we could have submitted the amendments to the title and preamable. So we were not allowed to clear the picture——

**Mr. PRESIDENT:** You have misunderstood my point Mr. Roy. You could have put amendments on the clauses of the Bill provided you also gave notice of amendment to the preamble and title of the Bill. But you have not done so——

**Mr. BIREN ROY:** Because we have not done it, you have surrendered your right.

**Mr. PRESIDENT:** There is no question of surrendering my right. It was your right to move amendments and you did not exercise that right. So it is your mistake.

**Mr. BIREN ROY:** Yes, Sir, we accept your ruling. But what I was trying to explain is that our rights have been overridden and these Ordinances have been brought before the House in an illegal way to rush them through and pass them in a day. We know that the brute majority of the present Ministry can stifle us down now. (Mr. BIJOY SINGH NAHAR: Not for long.) Yes. But I ask, Sir, is it necessary to hame these Ordinances now? Can you show me why is it necessary to have the civic guards? Government have police and the military. Why then is it necessary to have the civic guards? These civic guards do not do anything. They, on the other hand, are helping the black-marketeers. They were even found to steal telephone and telegraphic wire which they were asked to guard. It is a fact. So I do not think this Ordinance is necessary now.

Then the next one is about molasses. Mr. Nahar has stated that the villagers are being deprived of their only sweets—the manufacture of *gur*. Next one is Drug Control. I do not think that Drug Control is necessary at all. We are on the Drug Control Committee. We wanted that it should be withdrawn completely. I do not know on what basis this has come up again in the form of an Ordinance. Drug control was necessary to prevent quinine and other things during the war going underground. It would be silly if foreign drugs are now sought to be controlled, because foreigners will be very much interested in bringing their stuff in the markets now. We need drugs keenly and we do not want to stop its flow. Of course if it is only to give some shops to the members of the Government party, that is a different thing altogether. Mr. Nahar has spoken about the fountain pen. They are now being sold at below the controlled rates.

About the Calcutta Rent Ordinance, the Hon'ble the Chief Minister has already explained that there will be repealing clauses in the Ordinance. Now, we have already passed some amendments of the Calcutta Rent Control Bill, but this Ordinance will be passed today. Then the Bengal Consumer Goods Control Ordinance, 1946. Everybody here, even the Governnent party, would agree with me that any consumer good which has come under the control of this Government has vanished from the market and a more clearer picture will be available if we look to the fact that within three days of decontrol mustard oil which disappeared altogether from the market has appeared in large quantities. You can at least purchase the mustard oil whatever may be the price. So, I say no further Ordinance is necessary. Do not try to rule by the Ordinances. After all June, 1948, is the date line —after that perhaps you will not be here or we may not be here or none of us will be here. All your Ordinances will be swept away by the people.

**Mr. PRESIDENT:** Order, order. I shall first put Mr. Das's amendment. If that is carried Rai Bahadur Brojendra Mohan Maitra's amendment will not then arise.

The question before the House is that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1947.

The question was put and a division taken with the following result:—

**AYES—9.**

**Mr. Lalit Chandra Das.**
**Mr. Hemendra Kumar Das.**
**Mr. Satish Chandra Jana.**
**Rai Bahadur Brojendra Mohan Maitra.**
**Mr. Bijoy Singh Nahar.**
**Rai Bahadur Jogendra Nath Ray.**
**Mr. Biren Roy.**
**Mr. Biswanath Roy.**
**Mr. Patiram Roy.**

NOES—32.

Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dhirendra Lal Barua.
Mr. Reajuddin Bhuiya.
Mr. L. P. S. Bourne.
Khan Bahadur Syed Abdur Rashid Chowdhury.
Mr. Choudhury Moazzem Hossain.
Mr. Abdul Hamid Choudhury.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. C. E. Clarke.
Mr. D. J. Cohen, O.B.E.
Mr. E. D. Doyne.
Mrs. Labanyaprobha Dutta.
Khan Bahadur Sheikh Fazal Ellahi.
The Hon'ble Mr. Abdul Gofran.
Khan Bahadur A. M. Shahoodul Haque.
Mr. G. J. K. Hook.
The Hon'ble Mr. Saiyed Muazzamuddin Hosain.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latiff.
Mr. George Morgan, C.I.E.
Mr. T. B. Nimmo.
Khan Bahadur Ghyashuddin Pathan.
Khan Bahadur Mukhlesur Rahman.
Mr. Abdur Rashid.
Mr. Amulyadhone Roy.
Miss Ethel Robertson.
Dr. Kasiruddin Talukdar.
Mr. Latafat Hossain.
Mr. Md. Taufiq.
Haji Md. Yusuf.

Ayes being 9 and Noes 32, the amendment was lost.

**Mr. PRESIDENT:** The question before the House is that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March, 1947.

The motion was put and lost.

**Mr. LALIT CHANDRA DAS:** Sir, I beg to move that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. H. S. Suhrawardy, Minister in charge of the Chief Minister's Department and of the Home Department,

(2) Sir Muhammad Azizul Haque, K.C.S.I., C.I.E., Khan Bahadur,

(3) Khan Bahadur A. M. Shahoodul Haque,

(4) Khan Bahadur Syed Abdur Rashid Chowdhury,

(5) Khan Bahadur Abdullah-al-Mahmud,

(6) Mr. Nur Ahmed,

(7) Rai Bahadur Jogendra Nath Ray,

(8) Mr. G. J. K. Hook,

(9) Mr. Nagendra Nath Mahalanobish,

(10) Mr. Hemendra Kumar Das, and

(11) the mover,

with instructions to submit their report by the 30th June, 1947, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, here are ten Ordinances before the House and we are asked first of all to take them into consideration outright, without a preliminary examination of their provisions, Instead of bringing this Bill for consideration before the House, the Ministry should have followed another course. As I pointed out while speaking on my circulation motion they should have asked His Excellency the Governor to promulgate all these Ordinances under sections 88 and 89 of the Government of India Act, 1935. Sir, these Ordinances affect the lives of the people of the country very seriously. We, therefore, think it to be just and proper that all these ten Ordinances should be placed before a Select Committee of the House for examining its provisions and to see how those provisions can be modified to suit the circumstances of the country prevailing at present. If they are so examined it will be found that most of the provisions will not be necessary at all or, even if necessary, they could be easily modified. When you lump together ten different Ordinances to be enacted into one law that is a huge joke. That is a joke upon the members of the House. But if it is not a joke perpetrated upon the members of the Council, this House should insist that

a committee of its own should examine the provisions of the Bill just to see how far the provisions will suit the present condition of the province, how far it is necessary for the good administration and what modification can be made to improve it. So unless you go through each and every one of the Ordinances in detail you will not be able to say what modifications are necessary and what improvement can be made.

**Mr. PRESIDENT:** Amendment moved that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. H. S. Suhrawardy, Minister in charge of the Chief Minister's Department and of the Home Department,

(2) Sir Muhammad Azizul Haque, K.C.S.I., C.I.E., Khan Bahadur,

(3) Khan Bahadur A. M. Shahoodul Haque,

(4) Khan Bahadur Syed Abdur Rashid Chowdhury,

(5) Khan Bahadur Abdullah-al-Mahmud,

(6) Mr. Nur Ahmed,

(7) Rai Bahadur Jogendra Nath Ray,

(8) Mr. G. J. K. Hook,

(9) Mr. Nagendra Nath Mahalanobish,

(10) Mr. Hemendra Kumar Das, and

(11) the mover,

with instructions to submit their report by the 30th June, 1947, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Mr. Nahar, will you move your amendment?

**Mr. BIJOY SINGH NAHAR:** Yes, Sir. I beg to move that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. H. S. Suhrawardy, Minister in charge of the Chief Minister's Department and of the Home Department,

(2) Mr. Nur Ahmed,

(3) Mr. D. J. Cohen,

(4) Mr. C. E. Clarke,

(5) Rai Bahadur Jogendra Nath Ray,

(6) Mr. Hamidul Huq Chowdhury,

(7) Mr. Haji Md. Yusuf,

(8) Mr. Chaudhury Moazzem Hossain,

(9) Mr. Biswanath Roy,

(10) Mr. Lalit Chandra Das, and

(11) the mover,

with instructions to submit their report by the 21st March, 1947, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, I have already pointed out that this Bill attempts to curtail the civil liberty of the people of this province. This is a most dangerous procedure that has been introduced in this Bill. We find, Sir, that 10 Ordinances have been placed into one Bill and the Hon'ble Minister wants to rush it through in this fashion In many of the provisions of the Ordinances we find there are discrepancies and there should be substantial changes not only here and there but in many places. I would cite one or two instances, namely, the Calcutta Rent Control Order. In this House we discussed that it should be allowed that a tenant can sublet and for subletting there would be no ejectment. But under the Ordinances for

subletting there can be ejectment. So it will be seen that it is self-contradictory and you are pushing through these Ordinances. So it is proper that the provisions should be considered in a select committee to find out what changes are necessary, what should be the shape of these Ordinances. Then, Sir, with regard to another Ordinance, namely, the Bengal Consumer Goods Control Ordinance, there are schedules of various articles and I am sure that even the Minister in charge and the members of the Government Benches will agree with me that there are many articles which should be removed from the schedule and which do not require any control at all. I have already pointed out about fountain pens. There are many other articles which do not require any further control. For example, you will find plenty of American goods, pencils, combs and other articles are being sold at a very cheap price. Does the Hon'ble Minister think that they require control? I do not think so. So we should go into details. I have put very short time for submitting the report of the Select Committee. If you do not go into details and have the 10 Ordinances as they are, it would be some sort of lawless law—a black law. This is most dangerous. The Hon'ble Minister may think that he can get it passed through sheer majority. But I must say that it will have such tremendous effect upon the people of the province that they will not remain as they are now. You will have to face terrible things if you want to rule by the Ordinances. The days of rule by Ordinances are gone with the days of the British Imperialism. We should now consider what is really beneficial to the people. These things can be considered in a select committee if the Government really means business. I do not know whether our friend Hon'ble Mr. Suhrawardy will agree to this. If he agrees to this amendment really he will serve the people.

**Mr. PRESIDENT:** Amendment moved that the Bill be referred to a Select Committee consisting of:—

(1) The Hon'ble Mr. H. S. Suhrawardy, Minister in charge of the Chief Minister's Department and of the Home Department,

(2) Mr. Nur Ahmed,

(3) Mr. D. J. Cohen,

(4) Mr. C. E. Clarke,

(5) Rai Bahadur Jogendra Nath Ray,

(6) Mr. Hamidul Huq Chowdhury,

(7) Mr. Haji Md. Yusuf,.

(8) Mr. Chaudrury Moazzem Hossein,

(9) Mr. Biswanath Roy,

(10) Mr. Lalit Chandra Das, and

(11) the mover,

with instructions to submit their report by the 21st March, 1947, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I oppose the two motions. I have specific ground for opposing the motion of Mr. Lalit Chandra Das which does not apply to the motion of Mr. Nahar. Mr. Das has included several non-existent members of this House in his list of members of the Select Committee. There is no member, Sir, of this House who is known as Sir Md. Azizul Haque, K.C.S.I., Khan Bahadur. Again there is no member known as Khan Bahadur A. M. Shahoodul Haque or Khan Bahadur Syed Abdur Rashid Chowdhury. Nor is there a member known as Khan Bahadur Abdullah-al-Mahmud in this House. Speaking generally as well, this House will have an opportunity of considering the provisions of the Bill in the form of separate Acts and there they could put in as many

amendments as they liked. Mr. Nahar is continuously harping on the theme that these Ordinances are lawless Acts and lawless Ordinances and so on, but at the same time looking through the list of amendments I find that he has attempted to introduce certain of the Ordinances within the schedule which he thinks ought to be inserted therein. I believe there is a certain amount of contradiction in the attitude taken up by him.

**Mr. PRESIDENT:** Order, order. I will put Mr. Lalit Chandra Das's amendment first and if that is carried then Mr. Nahar's amendment will not arise.

The question before the House is that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. H. S. Suhrawardy, Minister in charge of the Chief Minister's Department and of the Home Department,

(2) Sir Muhammad Azizul Haque, K.C.S.I., C.I.E., Khan Bahadur,

(3) Khan Bahadur A. M. Shahoodul Haque,

(4) Khan Bahadur Syed Abdur Rashid Chowdhury,

(5) Khan Bahadur Abdullah-al-Mahmud,

(6) Mr. Nur Ahmed,

(7) Rai Bahadur Jogendra Nath Ray,

(8) Mr. G. J. K. Hook,

(9) Mr. Nagendra Nath Mahalanobish,

(10) Mr. Hemendra Kumar Das, and

(11) the mover,

with instructions to submit their report by the 30th June, 1947, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The question was put and a division demanded. When the bell had ceased ringing and before the House divided the question was again put and the President declared that the Noes had it and proceeded to put the next amendment to vote.

**Mr. LALIT CHANDRA DAS:** We had already demanded a division, Sir, and so the House should divide on this issue.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I understand, Sir, that the rule is that an honourable member should rise in his seat and demand a division if he wishes to call a division. He did not rise in his seat when the question was put to vote after the bell had ceased ringing. He was simply swaying in his seat mumbling something. I think the honourable member is out of order in demanding a division now when the amendment had already been declared lost.

**Mr. PRESIDENT:** In any case I did not observe any member stand up and demand a division or if at all any member stood up he did not catch my eye. There must be some amount of misunderstanding. Any how, Mr. Das, the other amendment is coming up and you may have your division.

**Mr. LALIT CHANDRA DAS:** We will certainly rise up and stand and ask for a division.

**Mr. PRESIDENT:** The question before the House is that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. H. S. Suhrawardy, Minister in charge of the Chief Minister's Department and of the Home Department,

(2) Mr. Nur Ahmed,

(3) Mr. D. J. Cohen,

(4) Mr. C. E. Clarke,
(5) Rai Bahadur Jogendra Nath Ray,
(6) Mr. Hamidul Huq Chowdhury,
(7) Mr. Haji Md. Yusuf,
(8) Mr. Chaudhury Moazzem Hossein,
(9) Mr. Biswanath Roy,
(10) Mr. Lalit Chandra Das, and
(11) the mover,

with instructions to submit their report by the 21st March, 1947, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The question was put and a division taken with the following result:—

**AYES—9.**

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maitra.
Mr. Bijoy Singh Nahar.
Rai Bahadur Jogendra Nath Ray.
Mr. Biren Roy.
Mr. Biswanath Roy.
Mr. Patiram Roy.

**NOES—35.**

Mr. Abdulla-al-Mahmud.
Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Mr. Syed Badrudduja.
Rai Bahadur Dhirendra Lal Barua.
Mr. Reajuddin Bhuiya.
Mr. L. P. S. Bourne.
Khan Bahadur Syed Abdur Rasid Choudhury.
Mr. Choudhury Moazzem Hussain.
Mr. Abdul Hamid Choudhury.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. Yusuf Ali Chowdhury.
Mr. C. E. Clarke.
Mr. D. J. Cohen, O.B.E.
Mr. E. D. Doyne.
Mrs. Labanyaprobha Dutta.
Khan Bahadur Sheikh Fazal Ellahi.
The Hon'ble Mr. Abdul Gofran.
Khan Bahadur A. M. Shahoodul Haque.
Mr. G. J. K. Hook.
The Hon'ble Mr. Saiyed Muazzamuddin Hosain.
Mr. Latafat Hossain.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latiff.
Mr. George Morgan, C.I.E.
Mr. T. B. Nimmo.
Khan Bahadur Ghyasuddin Pathan.
Khan Bahadur Mukhlesur Rahman.
Mr. Abdul Rashid.
Mr. Amulyadhone Roy.
Miss Ethel Robertson.
Dr. Kasiruddin Talukdar.
Mr. Md. Taufiq.
Haji Md. Yusuf.

Ayes being 9 and the Noes 35, the motion was lost.

**Mr. PRESIDENT:** The question before the House is that the Bengal Ordinances Temporary Enactment Bill, 1947, as passed by the Assembly be taken into consideration.

**Mr. LALIT CHANDRA DAS:** Sir, I would like to oppose the consideration of the Bill. There are two sets of amendments, one set on the original motion and the other set on the clauses. But we are now concerned with the main motion before the House——

**Mr. PRESIDENT:** Mr. Das, are you now speaking on the main motion?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, it seems to me that I have to point out the parliamentary procedure to the honourable member who as a veteran ought to know better. Sir, these amendments are moved and if anybody desires to speak generally on the motion he is permitted to do so, but once the amendments have been voted down there is nothing before the House excepting the main motion itself. The honourable member should have taken the earliest opportunity to make general observations against the motion. When he has not done so, I do not think that he can at every stage get up and try and make speeches. I am not saying that he has not the right. I am only pointing out the usual practice in this House as well as in the other House.

**Mr. PRESIDENT:** That is not the usual practice, it is true. But as you have the right to reply on the main motion I must allow the honourable members to speak on the main motion if they want to do so.

**Mr. LALIT CHANDRA DAS:** Sir, I would like to speak on this motion. I oppose the consideration of this motion that "this Bill be taken into consideration". Sir, it would appear that the Government are trying to enact 10 Ordinances by one omnibus Bill. The House has to consider them. May I enquire from the Hon'ble the Chief Minister whether we are free to consider all these 10 Ordinances? There is no provision in this Bill like that. Practically there is nothing before the honourable members to consider. It will be said "well, the Ordinances were actually published and the members are expected to know what the provisions of these Ordinances are". This is one way of meeting the difficulty. The other way is to properly put all the provisions of all the Ordinances in the form of a Bill or Bills and then ask the House to consider them. That has not been done in this case. Therefore the House is in a very great difficulty so far as this question of the consideration of these Ordinances is concerned. Some of these Ordinances are not at all necessary to be enacted into land. The emergency is over. The Ordinances ceased to be effective since the time declaration of emergency was withdrawn. The present Government have given a colouring to the situation which is not as they depict it to be. May I give a picture of the Ordinances? A little reflection will show that they are not actually necessary under the present circumstances. Sir, the civic guards are not necessary now. Their work is being carried on by the police and the military and they are now a burden on the administration. At no time, they were useful. The sooner these civic guards go the better it will be for all concerned and for the financial position of Bengal. The next thing that comes in, Sir, is the Bengal Molasses Control Ordinance, 1946. Why should the molasses be controlled now? Once these are decontrolled the people will be in a position to obtain the molasses more freely than now and the poor peasant and labourers will get their tobaco at much less cost. This control, if at all there be any advantage in it, is only to enable some of the supporters of Government to obtain permits for molasses and by selling the molasses to earn money. But so far as the convenience of the public is concerned this control should go and if this goes there will be free competition of traders in importing and selling these molasses at prices within the easy reach of the poor. Then comes the Bengal Drugs Control Continuance Ordinance, 1946. This may be considered necessary by the administration, but in our view it is absolutely unnecessary. If this control is taken away drugs will be freely coming into the market and the price also will be within reach of those who are urgently in need of medicines at a moderate price. Now, Sir, in spite of the control, the drugs are sold at such high prices that not even well-to-do patients can afford to purchase them in spite of their being badly in need of such medicines. The prices are really beyond their purchasing power. If the drugs are freely allowed to come in, the position would be far easier. Then comes the Calcutta Rent Ordinance, 1946. It is surprising, Sir, that the Government by saying what they intend to do hereafter in the Assembly when our Calcutta Rent Bill is passed by this House try to escape from a difficulty which I pointed out, namely, that this Calcutta Rent Ordinance, when enacted, would conflict with the position, namely, that the Calcutta Rent Bill is before this House and we are *in seizin* of it long before this Bill was introduced in the Assembly. Sir, it will appear that the lease of life of this Ordinance, when enacted into law, will be 6 months which can be extended by another 6 months by a notification. This provision is in direct conflict with what we did in the case of the Calcutta Rent Bill. In it we fixed three years as its lease of life and gave power to the Government to extend it by another three years. Here, Sir, the whole thing that is now being done is in direct conflict with what we have already done and, therefore, Sir, all the members of this House should strongly protest against

any attempt made by the Government to enact this Calcutta Rent Ordinance into law. Then, Sir, comes the Bengal Special Powers Ordinance, 1946. This is a most important matter. Sir, this House should consider it seriously. It is a queer position, Sir, that the Muslim League Party to which this Ministry belongs protested against the Punjab Public Security Ordinance and they protested so very vehemently that they invited the Hindus and the Sikhs to join with them as their campaign was really against the Government which were putting obstacles, according to them in the way of the civil liberties of the people. Now here we find a very contradictory position taken up by the Muslim League Government, the Government of the Hon'ble Mr. Suhrawardy. There the Muslim League Party actually fought the Punjab Public Security Ordinance; they fought for their rights of taking out processions and also for their right of holding meetings and they invited all others to give their support to the campaign because they were fighting for the restoration of the civil rights and in this, Sir, in their attempt in the Punjab, several of the noted Muslim League Leaders went to jail. Here the position is quite the reverse. Look at the Bengal Special Powers Ordinance, 1946, which they want to enact. The Hon'ble Mr. Suhrawardy is really trying to do an act which the Muslim League Party as a whole in the other provinces of India are directly against. Here he is taking power in his own hands to interfere with the civil liberties of the people; it is such a bad law. Sir, that I am amazed that it has been put in along with the other Ordinances which are of quite another description.

Here is an Ordinance which is going to interfere with the ordinary freedom of speech, freedom of association, with the freedom of holding meetings and with all other things that we value most. Here, in this Ordinance the police has been given extraordinary powers, to unnecessarily detain people, to interfere with their liberties, to intern them, to extern them, and, in short, to do whatever they think right and proper. It is really a thing which no democratic or civilized Government can countenance in any shape or form. That is one fact about these circumstances which I place before the House and of which the Bengal Premier ought to take due note of, but of which he seems not to be really cognizant—

**Mr. PRESIDENT:** Yes, go on, Mr. Das.

**Mr. LALIT CHANDRA DAS:** I was waiting for the Chief Minister to finish his business with you, Sir, and to get back to his seat. I want to say to him that now has arisen a situation which has quite altered the face of the country and here is a situation in which the Premier, as also the head of the Muslim League party, should not take advantage of, by enacting the Bengal Special Powers Ordinance into law. I ask him to look at the position that a great change is ahead. The British Government has already notified that they are going to quit India at the latest in June, 1948. In making that announcement His Majesty's Government through Mr. Attlee also proclaimed that power may be transferred to the Central Government or if occasion arose it might also be transferred to Provincial Governments or in some other areas according as they think fit and proper. Sir, there is a great danger ahead of Bengal. The danger is that power may be transferred to the Muslim League Government which is a communal Government antagonished to other elements of Society in Bengal. Will the Hon'ble Chief Minister allow us to protest against that measure? Will the Hon'ble Chief Minister allow us to formulate our grievances against the present Government, to take out processions, to hold meetings, etc., to show what we think or what we want to do with regard to that declaration? Or will he take advantage of the Special Powers Ordinance provisions and apply them against us when we protest against the transference of power to the present Muslim League Government? Will he take advantage of this Ordinance for the purpose of thwarting us in holding meetings or stand in our way of demonstrating for showing in what way powers should be

transferred, namely, among other things, by creating another province with a separate Legislature within Bengal in which the non-Muslims may feel safe and in which they can find their own salvation, political, social and economic? That is the danger, Sir, that is where our danger lies, namely, if he takes advantage of the powers under this Ordinance and tries his utmost to thwart us and takes away our liberties, etc. In fact even before enacting this law, he is not withdrawing section 144 in Calcutta. It is there since August, 1946, with the result that the people cannot freely take out processions and hold meetings. The present Government are acting in most arbitrary fashion against the civil liberties of the people——

**The Hon'ble Mr. H. S. SUHRAWARDY:** On a point of order, Sir. The honourable member is not very intelligible and it is very difficult to follow what he is saying. What little I have been able to follow shows that he is constantly repeating not only the arguments which his colleagues placed before the House before but he is repeating his own arguments which he put forward in the beginning of his speech. I hope, Sir, that you will try to curb his enthusiasm for repetition.

**Mr. LALIT CHANDRA DAS:** Sir, with regard to the remark made by the Hon'ble Chief Minister just now, I may say that while I was speaking he was attending to other business and was not hearing what I was saying. He was attending to other business when this particular business was going on. Sir, he has not followed my speech as he was talking and confabulating with you. After all he is a human being and cannot attend to two business at the same time. He certainly did not follow my speech and, therefore, his remark is quite unjustified. Now, Sir, as I was pointing out, while the present Government are trying to continue the Bengal Ordinances, they have found it convenient to withdraw the Ordinances enforced in Noakhali and South Tippera where the situation is still very serious where murder and arson and loot are still going on. If they had retained those Ordinances along with the other Bengal Ordinances, then there would have been some show of impartiality on their part. But their action in withdrawing the Noakhali and South Tippera Ordinances shows how partial they are. We on this side of the House think that the Special Security Ordinances for Noakhali and South Tippera should have been there because acts of murder and loot are going on there even now. The Hon'ble Chief Minister is showing anxiety for continuing the Bengal Special Powers Security Ordinance. But may I ask why this measure should be retained? Will he give us assurance that so far as the other parties are concerned—his political opponents—he will allow them to have their civil liberty of taking out processions and holding meetings? Will he give us a pledge that there would be no bar to our doing so? If he does, then he would be showing some reason and some impartiality. Sir, this Ordinance is not necessary to meet the situation arising out of the *Tevaga* dispute and rising in Mymensingh. The provisions of the ordinary law that obtains in the country are sufficient to deal with them.

Then, Sir, the Jute Mills Ordinance, 1946. Of course our European friends would be able to say how far the Ordinance is necessary. They will be in a position to comment on it. Then the Bengal Criminal Law Amendment Ordinance, 1947. I have already said that Ordinances like these curtail the civil liberties of the people and prevent them getting proper trial and impartial justice. I need not go into detail. Sir, I oppose the consideration of these Ordinances as put in this omnibus Bill. They interfere with the ordinary liberties of the people and are also intended to stiffle the popular agitation in the country for redress of grievances.

**Mr. PRESIDENT:** The question before the House is that the Bengal Ordinances Temporary Enactment Bill, 1947 (as passed by the Assembly), be taken into consideration.

The motion was put and agreed to.

**Mr. PRESIDENT:** The House stands adjourned till 2-15 p.m. tomorrow.

## Adjournment.

The House was then adjourned till 2-15 p.m. on Tuesday, the 11th March, 1947.

## Members absent.

The following members were absent from the meeting held on the 10th March, 1947.

(1) Mr. Kamini Kumar Dutta,
(2) Sir Md. Azizul Haque, Khan Bahadur,
(3) Mr. Mungturam Jaipuria,
(4) Alhadj Khan Bahadur Shaikh Md. Jan,
(5) Mr. Humayun Z. A. Kabir,
(6) Alhadj Yar Ali Khan,
(7) Mr. Syed Abdul Majid,
(8) Mr. Nagendra Nath Moholanobish,
(9) Dr. Kumud Sankar Ray,
(10) Mr. Charu Chandra Sanyal, and
(11) Mr. Satish Chandra Sen.

WBGP-47/8-4086A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947—No. 15.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, lcutta, on Tuesday, the 11th March, 1947, at 2-15 p.m. being the fifteenth y of the First Session of 1947, pursuant to section 62(2)(a) of the Governent of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was the Chair.

## QUESTIONS AND ANSWERS

**Mr. PRESIDENT:** Questions. Khan Bahadur Syed Abdur Rashid Chowury.

**Mr. HARIDAS MAZUMDAR:** May I put the question No. 69 on s behalf? It is a very important question.

**Mr. PRESIDENT:** Certainly not; you belong to the Opposition. Let me other member on the Government side put the question.

### Corruption in the Civil Supply Department.

**69. Mr. LATAFAT HOSSAIN (on behalf of Khan Bahadur Syed Abdur ashid Chowdhury):** (a) Will the Hon'ble Minister in charge of he Chief inister's Department be pleased to state what steps the Government have ken or intend to take on Rowlands Committee's Report for eradicating ibery and corruption rampant among the officials, specially in the Civil ipply Department?

(b) How many proceedings have been drawn up against such officials and ith what result?

**Mr. ABDUL RASHID, Parliamentary Secretary (on behalf of the inister in charge of the Chief Minister's Department):** (a) In pursuance the recommendation contained in paragraph 228(i) of the Report only small number of officers have been selected who are authorized to issue rmits and detailed instructions have been issued concerning the eligibility candidates for receiving permits. A confidential circular covering the ints mentioned in sub-paragraphs (ii), (iii) and (iv) of paragrpah 228 is been issued to all concerned and orders giving effect to the recommenition contained in paragraph 228(v) have also been issued.

The Government of India, who were requested to enact legislation on the ies of the recommendations contained in paragraphs 229-31 of the Report, omulgated Ordinance VI of 1946 as an *ad interim* measure. The Prevenon of Corruption Bill, 1946, has been introduced in the Central Legislative ssembly and is now pending before that body.

The various Service Associations were addressed on the subject of storation of the traditions of the public service mentioned in paragraph 233 d constructive suggestions were invited. The suggestions have been amined and Government are considering the possibility of setting up a ecial organisation for dealing with bribery and corruption in the services. he details concerning this organisation are under examination.

(b) Since the publication of the Rowlands Committee's Report proceedings have been drawn up against Government servants for bribery and corruption in 237 cases with the following results—

| | Cases. |
|---|---|
| Dismissal from service | ... 89 |
| "Acquittal" | ... 39 |
| Minor punishments inflicted | ... 37 |

The remaining 72 cases are pending.

**Mr. LALIT CHANDRA DAS:** Will the Private Secretary be pleased to state if there is any such member as Khan Bahadur Syed Abdur Rashid Chowdhury?

**Mr. ABDUL RASHID:** There is Syed Abdur Rashid Chowdhury and the Khan Bahadur before his name may be dropped now.

**Mr. LALIT CHANDRA DAS:** But why is it printed before his name in this question? It was objected to by the Chief Minister yesterday in another connection.

**Mr. PRESIDENT:** That is not a question which the Parliamentary Secretary can reply; it is not his concern. This department has not yet been informed either officially or unofficially either by the members concerned or by the Government that all titles attached to the members of the Government Party should be dropped and that their names should appear without the titles.

**Mr. LALIT CHANDRA DAS:** The Chief Minister objected to the title Khan Bahadur standing before his name, I mean before the name of Syed Abdur Rashid Chowdhury.

**Mr. PRESIDENT:** That is neither here nor there. Will you kindly put your supplementary questions, if any?

**Mr. LALIT CHANDRA DAS:** Will Government be pleased to give us the names of the small number of officers who have been selected and authorised to issue permits referred to in answer (a)?

**Mr. ABDUL RASHID:** I cannot give that offhand; I want notice.

**Mr. LALIT CHANDRA DAS:** I want to know whether they are all Muslims or whether there are non-Muslims also in that small number of officers.

**Mr. ABDUL RASHID:** I have already said that I cannot give the names of the officers offhand as if I could give out the names of the officers it could easily be made out whether all of them are Muslims or all are Hindus or how many Hindus and how many Muslims.

**Mr. LALIT CHANDRA DAS:** Will the Parliamentary Secretary please tell us what is meant by the words "Government are considering the possibility of setting up a special organisation for dealing with bribery and corruption in the services" towards the end of the first paragraph? Is there any obstacle in the way of setting up this organisation?

**Mr. ABDUL RASHID:** There is no obstacle but details are under examination.

**Mr. LALIT CHANDRA DAS:** May I take it that Government have already drawn up a scheme for such orgnaisation?

**Mr. ABDUL RASHID:** Yes.

**Mr. LALIT CHANDRA DAS:** When is it likely that your consideration will end?

**Mr. ABDUL RASHID:** That will be taken up very [illegible]: I cannot give you any target date.

**Mr. LALIT CHANDRA DAS:** Will the Parliamentary Secretary please state how many out of the 89 men dismissed were prosecuted?

**Mr. ABDUL RASHID:** I beg your pardon?

**Mr. PRESIDENT:** What is your question, Mr. Das?

**Mr. LALIT CHANDRA DAS:** It is said that out of 237 cases 89 were dismissed. May I know whether Government prosecuted them also for corruption and bribery?

**Mr. HARIDAS MAZUMDAR:** That is, whether besides dismissing the Government also prosecuted them in a court of law.

**Mr. ABDUL RASHID:** I want notice. I could not tell you that off-hand.

**Rai Bahadur JOGENDRA NATH ROY:** With reference to answer (*b*) regarding proceedings against Government servants, were these prosecutions drawn up departmentally or in a court of law?

**Mr. ABDUL RASHID:** Departmentally.

**Rai Bahadur JOGENDRA NATH ROY:** Why were not they prosecuted in a court of law?

**Mr. ABDUL RASHID:** I want notice.

**Rai Bahadur JOGENDRA NATH ROY:** As regards the remaining 72 cases, they are pending, but pending where? In a court of law or in the department?

**Mr. ABDUL RASHID:** In the department.

**Mr. LALIT CHANDRA DAS:** When you say that out of 237 corruption cases 89 have been dismissed, do you mean to say that none of them have been prosecuted before a court of law?

**Mr. ABDUL RASHID:** Yes.

**Mr. LALIT CHANDRA DAS:** Then these 72? They also are before you and none of them is before a law court?

**Mr. ABDUL RASHID:** These are pending.

**Mr. LALIT CHANDRA DAS:** Will the Parliamentary Secretary let us know the sort of minor punishment inflicted upon the 37 cases?

**Mr. ABDUL RASHID:** Do you want details?

**Mr. LALIT CHANDRA DAS:** Yes, whether a fine, or jail, or what?

**Mr. ABDUL RASHID:** In that case I would like to have notice.

**Mr. LALIT CHANDRA DAS:** If you want notice in every case, you should take time and don't try to avoid answering questions like that.

**Mr. ABDUL RASHID:** If you want details, I cannot give you a straight answer.

**Mr. LALIT CHANDRA DAS:** In that case, Sir, as the Parliamentary Secretary is unable to answer supplementary questions, the question may be held over. We wanted to know the nature of minor punishment inflicted, whether it was a fine, whether it was departmental punishment, or whether they were sent to jail, and in most cases he wants notice. That is why I suggest that this question be held over.

**Mr. PRESIDENT:** Very well, let this question be held over.

**Mr. ABDUL RASHID:** Sir, the honourable members want details. Let them give notice and the details will be given.

**Mr. LALIT CHANDRA DAS:** At least in three cases he has asked for notice.

**Mr. PRESIDENT:** It appears that Mr. Rashid is not in possession of all the facts required to answer a supplementary question.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, is it ever possible for anybody to know all the details in connection with any question? He can only say that certain people were punished and may not be able to give details regarding that punishment. For this purpose I submit notice should have to be given.

**Mr. PRESIDENT:** Mr. Das, do you want the question to be held over only for that information?

**Mr. LALIT CHANDRA DAS:** No, in regard to other supplementary questions also, his answer was "I want notice, I cannot say offhand"; and that is why I ask that this question be held over for proper answers to supplementary questions.

**Mr. PRESIDENT:** What are your other questions?

**Mr. LALIT CHANDRA DAS:** For the moment I cannot tell you, Sir. But it is on record.

**Mr. PRESIDENT:** He wants information regarding community, he wants details of the minor punishments and he wants the names——

**Mr. HARIDAS MAZUMDAR:** Sir, let the question be held over——

**Mr. PRESIDENT:** Order, order. Mr. Mazumdar it is not the practice to get up when the Chair is addressing the House. So, Mr. Das, you wanted these details and the Parliamentary Secretary asked for notice to get these information. Now, it is not possible to answer all the questions offhand. Are you prepared to give fresh notice?

**Mr. LALIT CHANDRA DAS:** All that I want to say is that the Hon'ble Mr. Suhrawardy is in charge of the Department and if he had said that he would ask for notice, I would have accepted it.

**Mr. PRESIDENT:** It would not have been possible even for the Hon'ble Minister to give details offhand. When the Parliamentary Secretary is answering the question he takes the responsibility on behalf of the Hon'ble Minister in charge of the Department.

**Mr. LALIT CHANDRA DAS:** Sir, this question should be held over for the reason which I have already given.

**Mr. HARIDAS MAZUMDAR:** Arising out of answer (*b*), namely, since the publication of the Rowland Committee's Report proceedings have been drawn up. Will the Hon'ble Minister be pleased to state when these proceedings have been drawn up?

**Mr. ABDUL RASHID:** It is not possible to give the date when the proceedings have been drawn up.

**Mr. HARIDAS MAZUMDAR:** Give us an idea of the time?

**Mr. PRESIDENT:** I do not think that is a question which can be answered offhand by any Minister. He has already asked for notice. Either the question should be held over or fresh notice should be given.

**Mr. HARIDAS MAZUMDAR:** This question may be held over.

**Mr. PRESIDENT:** All right, let the question be held over. Questions over.

**Mr. BIREN ROY:** Sir, there is another question—No. 68—which was held over yesterday. The Hon'ble Minister in charge of Commerce is present here and it should be answered.

**Mr. PRESIDENT:** I do not find it on the agenda today.

**The Hon'ble Mr. MOHAMMED ALI:** Yes, Sir, it was held over yesterday. It may be taken up.

**Mr. PRESIDENT:** All right, Mr. Nur Ahmed.

### Post-war development of cottage industries in Bengal.

**68. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Department of Commerce, Labour and Industries be pleased to state what amount has been allotted for the post-war development of the cottage industries in Bengal?

(*b*) What are the industries which have been included in the post-war development cottage industries schemes?

(*c*) How many workers will be benefited thereby?

(*d*) Do the Government of Bengal propose to set up development organisation on the line of the Punjab Government for development of cottage industries in Bengal?

(*e*) If not, why not?

**MINISTER in charge of the DEPARTMENT of COMMERCE, LABOUR and INDUSTRIES (the Hon'ble Mr. Shamsuddin Ahmed):** (*a*) and (*b*) A reference to pages 171 to 242 of the Post-War Reconstruction Plan of this Government will indicate the amount as well as the particulars of the schemes intended to tackle and stimulate cottage industries. A copy of the Plan is placed in the Library. It will be seen therefrom that apart from the schemes that directly aim at development of specific industries such as salt, silk, leather, handloom weaving, etc., there are others which will also contribute towards the development of cottage industries particularly those intended to impart technical training and to provide for aid to industries. In fact, the schemes in the post-war plan have been drawn up mainly with the object of encouragement and development of small-scale and cottage industries.

(*c*) It is difficult to state in precise terms the actual number of workers who will be actually benefited.

(*d*) and (*e*) Government have no precise information regarding the development organisation of the Punjab Government. I shall however enquire of that Government about it. This Government is having its own industrial policy, if it thinks that the policy adopted by any other Government would be helpful, Government would certainly try to benefit by it.

**Mr. BIREN ROY:** Arising out of (*b*), will the Hon'ble Minister be pleased to state if the Government have any plan for importing expert or sending Indian students abroad for technical training?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Both are being contemplated.

**Mr. BIREN ROY:** As regards the reply in (*c*), will the Hon'ble Minister be pleased to state whether he is prepared to arrange for a census of the number of workers in the cottage industries mentioned in pages 171 to 242 of the Post-War Reconstruction Plan? In the absence of a census it is difficult to know the precise number of workers.

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Government will consider that.

**Mr. HARIDAS MAZUMDAR:** Sir, may I know when the Hon'ble Minister in charge of the Department of Labour, whom I see present now in the House, will answer the question regarding the tramway strike?

**Mr. PRESIDENT:** I cannot allow that today. It is not on the agenda.

**Mr. HARIDAS MAZUMDAR:** Sir, it is a held-over question.

**Mr. PRESIDENT:** When was it held over?

**Mr. HARIDAS MAZUMDAR:** Last week.

**Mr. PRESIDENT:** The House did not sit last week. Well, you raise this question tomorrow.

**Mr. BIREN ROY:** Sir, I have some more supplementary questions to ask. I thought Mr. Mazumdar was asking some questions out of this question.

**Mr. PRESIDENT:** Well, that is not my fault. Now, let us go back to the Bill.

## The Bengal Ordinances Temporary Enactment Bill, 1947.

*Clause 1.*

**Mr. PRESIDENT:** Clause 1 stand part of the Bill.

The question before the House is that clause 1 stand part of the Bill.

The motion was put and agreed to.

*Clause 2.*

**Mr. PRESIDENT:** Clause 2 stand part of the Bill.

**Mr. BIJOY SINGH NAHAR:** Sir, I beg to move that in clause 2 of the Bill, the words "have effect as if they had been enacted in an Act of the Provincial Legislature and shall" be deleted.

Sir, we have already expressed our views that this side of the House does not want such a Bill to be enacted into law. This Bill contains series of Ordinances which have been promulgated and Government want to continue them for some time more. It would be better if we could have deleted the words "have effect as if they had been enacted in an Act of the Provincial Legislature and shall". The Ordinances are not before us only the names are before us. We are unable to consider the different aspects of the Ordinances clause by clause. It would be prudent, therefore, Sir, that the Bill should not have the force of the Legislature's wishes, or that this Legislature has not really passed this Bill into law. If this Bill is passed it would be thought that the Provincial Legislature has considered are aspects of the Ordinances and is satisfied that these Ordinances are necessary at the present stage and that these Ordinances should continue. But, Sir, we have said more than once that there is no necessity of any of these Ordinances to be in force. Government have already enough power to control the various things and why the Government should ask for the sanction of the Legislature to pass these Ordinances? Sir, these Ordinances really were meant for the war period. The war period is long over, the emergency of the war is long over and at this time it is most unwise to have these Ordinances enacted into law as if the Ordinances had been approved by the Provincial Legislature. Therefore, Sir, I move that these lines be deleted.

**Mr. PRESIDENT:** Order, order. Amendment moved that in clause 2 of the Bill, the words "have effect as if they had been enacted in an Act of the Provincial Legislature and shall" be deleted.

**Mr. LALIT CHANDRA DAS:** Sir, I would like to support this amendment. This portion of the statement in clause 2 of the Bill brings the cat out of the bag so to say that these are really Ordinances and not an Act of any Legislature. Now what do they mean by this expression "as if they had been enacted in an Act of the Provincial Legislature"? Here we are; this is the Legislature and whatever law would be enacted would be enacted by this Legislature. When they use the expression "as if they had been enacted in an Act of the Legislature" it shows, as a matter of fact, that it is not really a law, it is not a Bill, a draft of a proposed law but really an Ordinance. This expression is to be found in section 88 of the Government of India Act when an Ordinance is promulgated by the Governor during the recess of the Legislature. In sub-clause (2) of section 88 of the Government of India Act we find this expression "An Ordinance promulgated under this section shall have the same force and effect as an Act of the Provincial Legislature". Now, Sir, this expression can be used by His Excellency the Governor for promulgating an Ordinance. But how such an expression comes in when the provisions of the Ordinances are before this House for the purpose of enactment as a law. These words are redundant and they should be scrapped. With these words I support the amendment.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, the utility of these words is self-evident.

**Mr. PRESIDENT:** Order, order. The question before the House is that in clause 2 of the Bill, the words "have effect as if they had been enacted in an Act of the Provincial Legislature and shall" be deleted.

The question was put and a division taken with the following result:—

**AYES—9.**

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Bankim Chandra Dutta.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maitra.
Mr. Bijoy Singh Nahar.
Rai Bahadur Jogendra Nath Ray.
Mr. Biren Roy.
Mr. Biswanath Roy.

**NOES—27.**

Mr. Abdulla-al-Mahmud.
Mr. Nur Ahmed.
Rai Bahadur Dhirendra Lal Barua.
Mr. Reajuddin Bhuiya.
Khan Bahadur Syed Abdur Rashid Chowdhury.
Mr. Choudhury Moazzem Hossain.
Mr. Abdul Hamid Choudhury.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. Yusuf Ali Chowdhury.
Mr. C. E. Clarke.
Mr. D. J. Cohen, O.B.E.
Mrs. Labanyaprobha Datta.
The Hon'ble Mr. Abdul Gofran.
Mr. A. M. Shahoodul Haque.
Mr. G. J. K. Hook.
The Hon'ble Mr. Saiyed Muazzamuddin Hossain.
Mr. Latafat Hossain.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latif.
Mr. G. Morgan, C.I.E.
Mr. Tarak Nath Mukherjea.
Khan Bahadur Ghyasuddin Pathan.
Mr. Abdul Rashid.
Dr. Kasimuddin Talukdar.
Khan Sahib Maulvi Wahiduzzaman.
Haji Md. Yusuf.

Ayes being 9 and Noes 27 the amendment was lost.

**Mr. BIJOY SINGH NAHAR:** I beg to move that in clause 2 of the Bill, for the words "six months" in line 4, the words "three months" be substituted.

Sir, this Bill has been introduced for the purpose of having its life for six months more. The time factor is a very essential thing. There may be emergency in future; but there is no emergency at present. Still the Government want these Ordinances to continue for six months more. What

is the motive behind it? Do I take it that within six months the emergency period will be over or in the period of the next six months they will be able to have these Ordinances enacted into proper Acts? I do not think that the idea behind it is to enact these Ordinances into law within the next six months, because the Government know that there is no necessity for these Ordinances to continue: at least within the next six months they will not be able to have these Ordinances enacted into law. Now, Sir, the question is how long this rule of Ordinance should continue? If the Government really want to continue the rule of Ordinances it will be a dangerous thing. Ordinance is a thing which is very seldom used in any province or by any Government and is only used to meet a very serious situation. Really people want that they should be governed by such laws under which they can live happily without any interference by the Government. Government now interferes at every stage. Now, Sir, we are having more or less much easier time than we had during the last few years. So, this rule by Ordinances should not continue any longer. So, I have put 3 months instead of 6 months.

**Mr. PRESIDENT:** Amendment moved that in clause 2 of the Bill, for the words "six months" in line 4, the words "three months" be substituted.

**Mr. LALIT CHANDRA DAS:** Sir, I rise to support this amendment. This Ministry calls itself a popular Ministry. Is that the reason why they want to introduce 10 Ordinances by which to control us in different ways. Sir, we are passing through a period in which it is absolutely necessary that all restrictions on our civil liberties should be removed and controls regarding our food and drugs should also be removed. We know by our experience how the mustard oil has flooded the market as soon as the control was removed from it. Such will be the case in respect of drugs and consumers' goods also. I can say, Sir, that immediately after the controls are removed the markets will be flooded with these things. Then, Sir, with respect to the civil liberties, we know that we are still having section 144 imposed upon Calcutta from 16th August since the Muslim League started "Direct Action". The result is that we cannot take out any procession. Now by Special Powers Ordinance the Government want to ban meetings even in private houses. We think, Sir, the sooner the controls are withdrawn the better for us all concerned. With these words, Sir, I support the motion.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, it is hoped that within a period of 6 months the provisions of these various Ordinances now proposed to be enacted into law will be placed on the Statute book through separate Bills. If we were satisfied that we would have time and that the Opposition would be reasonable enough to accept these Bills without delay and without obstruction, we might have been able to reduce the period but as we are not certain of this, for we are to pass as many as 10 Ordinances, we have therefore put in a period of 6 months. For that reason we have taken a further 6 months in case owing to any difficulties we are not able to complete our work within the first six months and because there ought not to be any hiatuses. Can Mr. Lalit Chandra Das guarantee that controls will be removed by the Government of India within 6 months or an year? After all, the controls we have put have been necessitated by the controls imposed upon us by the Government of India. Everybody knows that. The Government of India has removed the control ever mustard oil. We had been moving the Government of India for a considerable time to remove the control ever the mustard oil in conferences after conferences. We have fortunately now succeeded. The whole question of controls depends on the Government of India's controlling the various things. And we have got to keep the Control Orders on here as well in respect of most of these subjects. Sir, the period of 6 months at the beginning and 6 months thereafter is reasonable.

**Mr. PRESIDENT:** The question before the House is that in clause 2 of the Bill, for the words "six months" in line 4, the words "three months" be substituted.

The question was put and a division taken with the following result:—

AYES—9.

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Bankim Chandra Dutta.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maitra.
Mr. Bijoy Singh Nahar.
Mr. Biren Roy.
Mr. Biswanath Roy.
Mr. Birendra Kishore Roy Chowdhury.

NOES—30.

Mr. Abdulla-al-Mahmud.
Mr. Nur Ahmed.
Mr. Syed Badrudduza.
Rai Bahadur Dhirendra Lal Barua.
Mr. Reajuddin Bhuiya.
Khan Bahadur Syed Abdur Rashid Chowdhury.
Mr. Choudhury Moazzem Hossain.
Mr. Abdul Hamid Choudhury.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. Yusuf Ali Chowdhury.
Mr. C. E. Clarke.
Mr. D. J. Cohen, O.B.E.
Mrs. Labanyaprobha Datta.
Khan Bahadur Sheikh Fazal Ellahi.
The Hon'ble Mr. Abdul Gofran.
Mr. A. M. Shahoodul Haque.
Mr. G. J. K. Hook.
The Hon'ble Mr. Saiyed Muazzamuddin Hossain.
Mr. Latafat Hossain.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latif.
Mr. G. Morgan, C.I.E.
Khan Bahadur Ghyasuddin Pathan.
Mr. Abdul Rashid.
Mr. Amulyadhone Roy.
Dr. Kasimuddin Talukdar.
Mr. Mu. Taufiq.
Khan Sahib Maulvi Wahiduzzaman.
Haji Md. Yusuf.

Ayes being 9 and Noes 30 the motion was lost.

**Mr. LALIT CHANDRA DAS:** Sir, I beg to move that the proviso to clause 2 of the Bill be omitted.

Sir, the proviso to clause 2 of the Bill runs as follows:—"Provided that the Provincial Government may by notification in the official Gazette, direct that the provisions of any of the Ordinances specified in the Schedule shall continue in operation for a further period not exceeding six months if in the opinion of the Provincial Government it is necessary in the public interest so to do."

Sir, a direction may come from the Central Government upon the Hon'ble Chief Minister of the Government of Bengal not to withhold control and he will only be too glad to follow that suggestion and will not withhold the control. He will at once say that the Provincial Government consider it necessary to do so. And then there will be another extension for six months; and against this we put up an emphatic protest. It is enough that rule by Ordinance should cease and that if it does not actually cease altogether, then it should be as short as possible. Therefore, I say that it may remain in force for three months and not a day should be extended for any one of these Ordinances. With these words I move my motion.

**Mr. PRESIDENT:** Amendment moved that the proviso to clause 2 of the Bill be omitted.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I have nothing further to add to the remarks which I have already made and which cover this amendment as well.

**Mr. PRESIDENT:** The question before the House is that the proviso to clause 2 of the Bill be omitted.

The question was put and a division taken with the following result:—

AYES—9.

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Bankim Chandra Dutta.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maitra.
Mr. Bijoy Singh Nahar.
Mr. Biren Roy.
Mr. Biswanath Roy.
Mr. Birendra Kishore Roy Chowdhury.

NOES—28.

Mr. Abdulla-al-Mahmud.
Mr. Nur Ahmed.
Rai Bahadur Dhirendra Lal Barua.
Mr. Reajuddin Bhuiya.
Khan Bahadur Syed Abdur Rashid Chowdhury.
Mr. Choudhury Moazzem Hossain.
Mr. Abdul Hamid Choudhury.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. C. E. Clarke.
Mr. D. J. Cohen, O.B.E.
Mrs. Labanyaprobha Datta.
Khan Bahadur Sheikh Fazal Ellahi.
The Hon'ble Mr. Abdul Gofran.
Khan Bahadur A. M. Shahoodul Haque.
Mr. G. J. K. Hook.
The Hon'ble Mr. Saiyed Muazzamuddin Hossain.
Mr. Latafat Hossain.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latif.
Mr. G. Morgan, C.I.E.
Khan Bahadur Ghyasuddin Pathan.
Mr. Abdul Rashid.
Mr. Amulyadhone Roy.
Dr. Kasimuddin Talukdar.
Mr. Md. Taufiq.
Khan Sahib Maulvi Wahiduzzaman.
Haji Md. Yusuf.

Ayes being 9 and Noes 28 the motion was lost.

**Mr. BIJOY SINGH NAHAR:** Sir, I beg to move that in the proviso to clause 2 of the Bill, for the words "six months" in lines 4 and 5, the words "three months" be substituted.

Sir, I have stated my reasons before that we do not want to give the Government so long a latitude for full one year to continue these Ordinances. I need not add anything more to it.

**Mr. PRESIDENT:** Amendment moved that in the proviso to clause 2 of the Bill, for the words "six months" in lines 4 and 5, the words "three months" be substituted.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I have nothing more to add to what I have already stated.

**Mr. PRESIDENT:** The question before the House is that in the proviso to clause 2 of the Bill, for the words "six months" in lines 4 and 5, the words "three months" be substituted.

The motion was put and lost.

**Mr. PRESIDENT:** The question before the House is that clause 2 stand part of the Bill.

The motion was put and agreed to.

*Schedule.*

**Mr. PRESIDENT:** The Schedule stand part of the Bill.

Mr. Das, you move your amendment and Mr. Nahar may speak on it.

**Mr. LALIT CHANDRA DAS:** Sir, I beg to move that in the Schedule of the Bill, the following be deleted, namely:—

"1946 II—the Bengal Civic Guards and Collective Fines Continuance Ordinance, 1946.

Now, Sir, this Ordinance should not have found a place in the Schedule. It is not at all necessary. It is an unnecessary burden on the finances of Bengal. Some of the civic guards are not even of ordinary honesty and some of them were even found stealing wires and other things. In fact, Sir, the duties that are assigned to the civic guards often times correspond to the works which are done by the police and the military as well as the *chowkidars* and others. The civic guards are absolutely unnecessary and if they are abolished so much the better for all concerned and also for our finances. As to Collective Fines Continuance Ordinance I should say that it is also unnecessary. In the Police Act there is provision for imposition of collective fines whenever necessary and so far as this Ordinance is concerned it is out of time I should say. The present atmosphere in the province does not require the continuance of this Ordinance. With these words, Sir, I commend my motion for the acceptance of the House.

**Mr. PRESIDENT:** Amendment moved that in the Schedule of the Bill, the following be deleted, namely:—

"1946 II...The Bengal Civic Guards and Collective Fines Continuance Ordinance, 1946".

**Mr. BIJOY SINGH NAHAR:** Sir, I rise to support the amendment that has been moved by my friend, Mr. Lalit Chandra Das. This Bengal Civic Guards and Collective Fines Continuanne Ordinance, 1946, was introduced at a time when the war was going on and the Government required the help of the people of the different localities in organising the safety and defence of the country. Sir, this was an emergency measure. This Ordinance was first promulgated in 1940 and this Ordinance of 1946, under discussion now, followed suit and gives powers to the District Magistrate in a district or the Commissioner of Police in a Presidency Town, as the case may be, to constitute a body to be called the civic guards the members of which shall discharge such functions in relation to the protection of persons, the security of property or the public safety as may be assigned to them in accordance with the provisions of the Ordinance and the rules made thereunder. Sir, for these reasons this Ordinance was promulgated at that time. That was an emergency and the Government wanted to defend the country by the people of the country at that time. There is no such emergency now which necessitates the continuance of such civic guards. We know that these civic guards were discontinued—that is at least what I know of—but why again you want to have those civic guards? What is the motive behind your action? We know also, Sir, that at that time the Collective Fines Ordinance was promulgated, and that was promulgated when the famous August 1942 Movement was started by the Congress. There was nothing before that. That was meant to suppress the national movement of the people of the country. Sir, do the Government still insist that that type of Ordinance should continue? During the riots collective fines were imposed and you have ample powers to impose collective fines if such an emergency arises again but there is no such emergency now. Then, Sir, it is mentioned that this Civic Guards Ordinance extends to the whole of Bengal. Do you want to organise civic guards throughout Bengal at the expense of Bengal's Exchequer or do you want to have a dummy show only in Calcutta? Chief Minister has not explained that when he moved for consideration of the Bill, did not explain what is his intention in keeping these civic guards still in Bengal. Several examples can be cited to show what kind of people these civic guards are and what they have done by way of theft, etc. As regards their status they are more or less in the category of ordinary constables and they were selected from out of the people who had practically no work to do and they joined the civic guards and the result was that many of them had to be prosecuted for various offences including theft of articles which they were asked to guard and to see that nothing untoward and disorderly happened to them. Sir, this is the type of people who were selected to be members of the civic guards. The civic guards of that time were doing rather various sorts of injury to the public at least in Calcutta in their own locality; they were behaving as if they themselves were the Government and committed various *zoolums* which were brought to the notice of the Government at that time. It was rather a happy augury when the civic guards were discharged and the people of the locality were saved from terror of them. Do the Government, does the Hon'ble Chief Minister, the so-called popular Chief Minister, still want these civic guards to continue in cities, villages or throughout Bengal, just to terrorise people and hold them in awe, and to behave as if they were the Government? Does the Chief Minister want to have these civic guards to maintain his power or to have in them an extra police force or military force to protect his own or his party's interests? We all know that the Britishers are quitting India next June, that is, in June 1948. Does our present Ministry mean to make over this province to the tender mercies of these civic guards? I do not know. Will he kindly explain

why they wish to have these civic guards now? We find that there is no emergency at the moment and there is no war also; therefore there is no necessity for any civic guards of this type. This Ordinance also empowers these civic guards in many places to use compulsion on the people of the locality to become members of the civic guards or help in various ways the doubtful activities of these civic guards. This is really a great hardship on the people of Bengal. Although at present there is no war or emergency yet they are asked to support the acts of omission and commission of the Government. The authorities in the various places are doing at their sweet will and pleasure various acts and now by this Act they will be doing further and further mischief to the people whom however they are expected to guard. In this way Government are forcing the province into a condition which is unwanted and which is rather most harmful to the people of Bengal. With these words I support the amendment moved by my friend Mr. Lalit Chandra Das.

**Mr. BISWANATH ROY:** Sir, I rise to support the amendment. I find no justification on the part of Government to introduce these Ordinances in the form of Bills in the present circumstances. Before entering into the controversial point as to whether this Ordinance should be enacted as common law I would like to point out that Government has done a serious injustice in not having this measure circulated for eliciting public opinion. On the other hand, Government is trying in an arbitrary and in an autocratic way to govern with the advantage of their brute majority and is rushing this Bill through this House. Sir, it will be admitted on all hands that emergent situation calls for emergency law, Ordinance or whatever you may call it. I would like to ask Government to say if they consider that the present situation in the country is such as to perpetuate an Ordinance of this type and to enact it into common law. Surely the Government does not feel so weak with its ordinary and special apparatus for maintaining law and order, I may say so with a particular eye to the budget allotment on this particular item, as not to be able to maintain peace and order in the province without having recourse to special Ordinance. The war is over, time is normal and every one ought to feel comfortable under ordinary law.

It is a matter of regret to note that the Government is completely neglecting the opinion of a very large section of people in this province. Within this Legislature the only course left to us is to record our protest but outside the Legislature there is bound to be a reaction which, I am afraid, no power on earth can suppress. The Ministry seems to be very wise to rush through such legislations but I wonder whether they at all consider what reaction there will be outside the Legislature throughout the province. The situation is not at all happy and if the Government goes on in this fashion, people will, I am afraid, be forced to go beyond the thin line of toleration which still hangs between inaction and dangerous reaction. In spite of the fact that it is a one-party Ministry, we on this side of the House would still appeal to the better sense and wise judgment of the individuals forming the Ministry not to act in such a way as would comonly affect the civil liberties of all classes and communities whether they be Hindus or Moslems.

I have been keenly observing the attitude of my honourable friends in the European Group too. It is high time that they should rise up to the occasion when big political developments are happening in this country and surely they may also have a chance to live in this country in peace, and should take a cautious move as not to alienate the sympathy of any particular section of the people in this country. I appeal to the good sense of the members and hope that they will support the amendment.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, the honourable members should have no doubt observed that this is a temporary Bill, and when the main Bill for the continuance of the civic guards is placed before

the House they will have ample time and opportunity of discussing the question whether the civic guards should be maintained or not. I never realised that honourable members who desire a reign of peace and order should be distrustful about the civic guards. There may be some distrustful and lawless elements—I do not know—and I am sure the honourable members of the House do not represent those lawless elements. I wish I could agree with my honourable friends opposite that the situation in the country is normal. Unfortunately, it is not so and the new dispensation before us will I hope not set any new fire ablaze. But there are seeds therein of the creation of an abnormal situation. Therefore I do not think that we can lightly dispense with the services of the civic guards who did their best in momens of strife and stress and into which organisation we have been able to harness to some extent the non-official forces in the interest of law and order——

**Mr. LALIT CHANDRA DAS:** Did they help in the riots?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, surely they did.

**Mr. LALIT CHANDRA DAS:** Yes, they did, in the looting in Noakhali and Tippera.

**Mr. DEPUTY PRESIDENT:** Order, order, the question before the House is that in the schedule of the Bill, the following be deleted, namely:—

"1946 II—The Bengal Civic Guards and Collective Fines Continuance Ordinance, 1946."

The motion was put and a division taken with the following result:—

**AYES—9.**

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Bankim Chandra Dutta.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maitra.
Mr. Bijoy Singh Nahar.
Rai Bahadur Jogendra Nath Ray.
Mr. Biswanath Roy.
Mr. Birendra Kishore Roy Chowdhury

**NOES—22.**

Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dhirendra Lal Barua.
Khan Bahadur Syed Abdur Rashid Chowdhury.
Mr. Chouchury Moazzem Hossain.
Mr. Abdul Hamid Choudhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. C. E. Clarke.
Khan Bahadur Sheikh Fazal Ellahi.
The Hon'ble Mr. Abdul Gofran.
Khan Bahadur A. M. Shahoodul Haque.
Mr. G. J. K. Hook.
Mr. Latafat Hossain.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latif.
Mr. G. Morgan, C.I.E.
Mr. Abdul Rashid.
Mr. Amulyadhone Roy.
Miss. Ethel Robertson, C.S.M.G.
Dr. Kasimuddin Talukdar.
Mr. Md. Taufiq.
Haji Md. Yusuf.

The Ayes being 9 and the Noes 22 the amendment was lost.

**Mr. BIJOY SINGH NAHAR:** Sir, I beg to move that in the Schedule of the Bill, the following be deleted, namely:—

"1946 III—The Bengal Molasses Control Ordinance, 1946".

In the preamble of the Ordinance, a copy of which has been circulated to us, we find it said that "for control of the production, supply and distribution of, and trade in, molasses in Bengal" this Ordinance has been introduced, and they want to continue the control over the molasses. Sir, we know how the control of the present Bengal Government is giving relief to the people. Sir, whenever we find control over one thing we see that the article immediately disappears from the regular market; black-markets spring up and are encouraged thereby; the prices go up and all the stocks in the regular market vanish. In clause 3 we find it mentioned "for maintaining or increasing the supply of molasses or for securing the equitable distribution or availability of molasses at fair prices", etc. Sir, we do not

know how far fair prices have been maintained and what is the production —whether the production is going up or going down. Sir, so far as I know production is going down. As a result of this control the production of molasses that was being done previous to this Ordinance has gone down and that is not at all giving relief to the people. Sir, the poor people use these molasses in their homes for feeding their cattle, for use in their *tamak* (tobacco) which the villagers generally take. They have not got so much money to buy cigarettes as the people of the city could do or the members of this House could do. They use these molasses and produce their own tobacco at their homes. You have controlled the production of these molasses even at their homes. They cannot produce them until you give them licences. Sir, it has been mentioned that the Government will issue licences, permits or some such thing either for production or for storage, transport, etc. That means you are taking away the right, the members of this House could do. They use these molasses and produce these things at their homes from out of the sugarcane productions or the *gur* productions from which these molasses are being prepared. You have taken away their private rights and you are encouraging certain big industrialists or the persons who can go round you and dance attendance on you, the security permits either from you or from the district authorities whom they will satisfy in any manner so that they can have their permits and what they do after obtaining the permits. They give something according to the directions of the officials, they give something to the market and take away the rest to the black-market where they earn more money than is fair out of this Ordinance that you have promulgated. Sir, I know, and many of the members on the opposite side also must be knowing, what are the results in the mofussil of the enactment of these Ordinances, and the continuance of these controls. On account of this control the people are handicapped and Government is in a way rather helping the rise of prices or the disappearance of these articles from the market. Now, Sir, there is a provision in this Ordinance which says that they will keep a staff for collecting information and statistics with a view to regulation and prohibition, etc. I know that Government always want to increase their staff just to please their supporters here and there. They want statistics out of these but we have never seen any such statistics being published anywhere about these productions or about productions which were then before these Ordinances were promulgated and at what rate they are being produced now. We have not seen anything of the kind, Sir. There may be a staff maintained drawing fat salaries and feeding fat upon the poor people of this province. We always see that our budget is in deficit and this is the way, Sir, that deficit is being caused.

Next, Sir, we see that producers are to maintain books and those books are to be inspected at any time by Government officers as they please. Sir, the poor village people produce their *gur* and molasses at their own homes. Do you expect that they could ever keep their books and accounts and maintain clerks for the purpose just to show them to Government's Inspectors? Are these poor people who anyhow are able to produce at their own home some quantity of *gur* and molasses, are they expected to maintain a secretariat staff to keep proper books and accounts? What will happen if they fail to please your officers in respect of these records? Perhaps they will be fined, or taken to a police-station and there will be scope for corruption, and many other things may happen. Therefore these Ordinances do not really help the country or the province in the matter of production; they do not give the people any impetus for more and more production which is required; these Ordinances might have been helpful during an emergency, during the war-time when Government wanted to control their production and sale. But the situation is now normal and more production has become necessary but Government want to check such production. Do not the Government see that other countries outside India are flooding our markets with their products, while they themselves are not allowing their

own people to produce more and more. You want to control them, to compel them to dance attendance at your offices, pay them something and get permits from the Civil Supplies Department. Do you want this position still to continue and still say that you are a popular Government and rule by just laws? Is this a sample of the process by which you will rule Bengal in future and you want our support and co-operation? We will certainly refuse to co-operate with a Government which does not want this country to flourish or to produce more and more articles to become rich, and rather handicaps them and wants foreigners to send us large number of articles to earn as much as they can and I have a suspicion, Sir, as to whether they themselves do not earn something out of these things. There is a provision which empowers officer to search. We know, Sir, what happens in the course of a search. We know that the officers of the Civil Supply Department generally go to the *hats* and take over those articles from the poor men in the *hats* armed with this Ordinance and do not allow them to be taken from one place to another. They harass the poor people by unnecessary search in their houses, entering their house only on the pretext that Government have the Ordinance. The Government want to rule by Ordinance and harass the poor people in this way. Really this sort of control by Ordinances takes away the inherent right of the people—the poor villagers—to produce their own commodities for their own use and at a time when we want to have our country—our Bengal—to be prosperous, rich and happy. We do not want that at such a time these Ordinances should exist to retard the growth of improvement and the production of commodities required by the people so badly. Rather you should give impetus by giving grants to the people to enable them to produce these things, and hereby bring money to the people. With these words, Sir, I oppose the inclusion of this Ordinance into this Bill.

**Mr. DEPUTY PRESIDENT:** Amendment moved that in the schedule of the Bill, the following be deleted, namely:—

"1946 III—The Bengal Molasses Control Ordinance 1946".

**Mr. LALIT CHANDRA DAS:** Sir, I rise to support the amendment moved by my friend Mr. Nahar. To understand what molasses means, I would read the definition as given in the Ordinance:—

> "molasses" means the final residual by-product of factories manufacturing sugar from cane, or by refining *gur*, by means of vacuum pans, but does not include convertible molasses which are the final residual by-product of factories operating on the open pan system".

Sir, it affects the poor men. The molasses are used in the preparation of tobacco which is generally used by the agriculturists. This commodity is also used for feeding cows in order to get more milk—it increases the quantity of milk—the milk which is so dear now—that can be had in plenty by the use of this commodity. Then, Sir, what was an Ordinance during the war-time was repeated in September 1946 and now the Government seek to continue the same when there is no emergency. How they want to control will appear from section 3, sub-section (*2*), which says—"Without prejudice to the generality of the powers conferred by sub-section (*1*) an order made thereunder may provide—

(*a*) for regulating by licences, permits or otherwise the production of molasses;

(*b*) for controlling the prices at which molasses may be purchased or sold;

(*c*) for regulating by licences, permits or otherwise the storage, transport, distribution, disposal, acquisition, use or consumption of molasses....." I need not read further.

There are also portions as to how to control it. This only shows that instead of allowing the molasses to be produced in plenty in the villages they want

to manage it in such a way that the people cannot have it in plenty at all. We tolerated all these hardships during the war but as there is no war now and also as there is no emergency there should not be any control in the matter of molasses.

With these words, Sir, I support the amendment.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I wonder if Mr. Nahar will ever realise that his continued and inapt references on every single occasion to rule by Ordinance, war conditions, normal conditions make his observations unworthy of notice. Increase of production or lowering of production or making the country rich or Bengal rich or India rich or Asia rich or the world rich and so on and so forth. Now, Sir, molasses is not *gur* nor is *gur* molasses, neither is molasses sugar or sugar molasses. Molasses is nothing else but the refuse or the by-product of certain factories. If the honourable member will read the definition he will find it out. (Mr. LALIT CHANDRA DAS: I have read the definition.) Not you, I am referring to Mr. Nahar. You have read the whole thing and so you have wasted the time of the House in citing instances which are in the possession of any ordinary member of this House. Now, molasses are used for the useful purpose of manufacturing spirits, methylated spirit, rectified spirit and spirits of other kinds and so it is necessary that the distilleries should be assured of the supplies of molasses. Therefore in order that this most important article most of which is used for medicinal purposes is assured to the public it has been found necessary to continue in force the provisions of this Ordinance until such time as molasses are a free commodity and could be moved from one part of the country to the other without hardship.

**Mr. DEPUTY PRESIDENT:** The question before the House is that in the Schedule of the Bill, the following be deleted, namely:—

"1946 III—The Bengal Molasses Control Ordinance, 1946".

The question was put and division called.

**Mr. SULTANUDDIN AHMED:** For such divisions I think three members have to rise in their seats. Only one member rose this time. Three members have to rise.

The division was taken with the following result:—

**AYES—8.**

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Bankim Chandra Dutta.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maitra.
Mr. Bijoy Singh Nahar.
Mr. Biren Roy.
Mr. Biswanath Roy.

**NOES—23.**

Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dhirendra Lal Barua.
Khan Bahadur Syed Abdur Rashid Chowdhury.
Mr. Chowdhury Moazzem Hossain.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. C. E. Clarke.
Mrs. Labanyaprobha Datta.
Khan Bahadur Sheikh Fazal Ellahi.
The Hon'ble Mr. Abdul Gofran.
Khan Bahadur A. M. Shahoodul Haque.
Mr. Latafat Hossain.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latif.
Mr. G. Morgan, C.I.E.
Mr. Tarak Nath Mukherjee.
Mr. Abdul Rashid.
Mr. Amulyadhone Roy.
Miss. Ethel R Bertson.
Dr. Kasimuddin Talukdar.
Mr. Md. Taufiq.
Haji Md. Yusuf.

Ayes being 8 and Noes 23 the amendment was lost.

**Mr. BIJOY SINGH NAHAR:** Sir, I beg to move that in the Schedule of the Bill, the following be deleted, namely:—

"1946 IV—The Bengal Drugs Control Continuance Ordinance, 1946".

Sir, this Ordinance is in continuance of the Ordinances promulgated by the Government of India under the Defence of India Act, 1939, as we find in the preamble. The Hon'ble Chief Minister pointed out that if India Government withdraw these Ordinances then he would be glad to withdraw them, but it has been mentioned that under rule 81 of the Defence of India Rules they will cease to have effect—(The Hon'ble Mr. H. S. SUHRAWARDY: I never said any such thing). Yes, the Chief Minister had said that before, but it is easy to forget. Now, Sir, this Ordinance is being promulgated by the Provincial Government and not by the India Government. In this Ordinance Government want to have control not only over production but also over imports, wholesale or retail sale, etc. They want to control not only production but also the import, sale and distribution and all these by this Ordinance, and I do not know why. We knew that the Government of India's Ordinances were meant during the war for the purpose of military supplies to their own military troops and that is why they gave these medicines the first priority for the troops. Foreign medicines as well as medicines produced in India, in Calcutta or in any other places, they were taken by Government under their own control and they were offered first to the military and next to the people of the country. That was during a war emergency and the Imperialist Government had to do all this just to save their own face. But there is no war emergency now, the war has gone and although the Chief Minister seems to think that there is an emergency existing now, (I do not agree with his view) for which they should have control over the production of drugs I do not see eye to eye with him. We know that the chemical factories and the chemical industries are trying their hardest to produce more and more but it is the Government that is not allowing them to produce but is restricting them from getting articles of manufacture. If they do not get proper articles they cannot manufacture, and if you do not give more and more licences to your producers you do not get more productions. You ought to give an impetus to the capitalists or scientists who want to produce these drugs because we know that it is very difficult to get licence for production of drugs from the Civil Supply Department. We know, Sir, how the Civil Supply Department is working. We know why they are hampering the cause of those industrialists who want to bring the public all these articles (Mr. MUHAMMAD TAUFIQ: What about black-marketing?) Yes, I am coming to that. My friend has raised the point about black-marketing. I agree with him and I can cite one or two instances. You all know, Sir, that Martin and Harris is a big firm in the city which imports foreign drugs. If you really mean business you should go and inspect their godown. If you do so, you will find a very large quantity of valuable drugs there which have not been released and there is every chance that these line drugs go underground. They are not available to the real sufferers. But they go underground and fetch more money than the control price to such dealers. That is the way in which black-marketing is going on by your order, and by your action you are encouraging those business people who are indulging and thriving in this sort of nefarious business. It is high time that the people should get the medicine they want so badly and it is the duty of Government to see that..... (The Hon'ble Mr. H. S. SUHRAWARDY: Hear, hear.) Are you short of hearing? (Laughter.) But the Government is trying to handicap the business people who are trying to produce more. You are also putting handicap in the way of those businessmen who want to import and sell these medicines in the market. We know that foreigners are producing more of these drugs than before and they do not want these drugs for their own soldiers or military, but for the sake of their business they are producing these drugs and are willing to export them to those places which require them. But by these Ordinances necessitating permits, licences and such other restrictions these businessmen are being discouraged to export. So you are not helping the people of the Province to get more; but you are standing in the way of the people who are suffering and want these medicines. We know, Sir, that many doctors prescribe medicines which are not available in the market,

but if one goes to the black-market these medicines will be found in plenty. But if anybody goes to the shop and want a medicine at control price the shop-keeper says "oh it is not available, all sold out". They might have sold some, out of the stock at a control rate, but the bulk of the stock goes underground to be sold at a very high price in the black-market. Then, Sir, for these Ordinances you have to maintain a big staff and you are not getting any money from this business. This is also a heavy burden upon the exchequer of the Provincial Government. When we do not want any expenditure made on account of these things you forcibly want to do it. The thing is that you have some people in the department whom you do not want to displace because they are either your supporters or relations of your supporters. If you do away with their services they will go out and speak against you. That is why you are afraid to do away with the staff of the Civil Supply Department and you want to maintain these people. You do not consider whether the people of the city or of the province get their medicines or not. I think the main idea behind this Ordinance is to maintain their own people in the various Civil Supplies Department. (The Hon'ble Mr. H. S. SUHARAWRDY: In the Civil Supplies Department?) You know better than me. What I say is this that you want to keep these Ordinances only to patronise your own people. Now, Sir, there is a provision in section 5 which runs as follows: "The provisions of the said Order as so continued in operation shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any enactment other than this Ordinance." Sir, there is the ordinary law by which the producers and the distributors and the shop-keepers are governed but by these Ordinances you want to take away the legal rights of those people. You want to supersede all those laws by passing this Bill into law. We always used to say that the Governor of the province used to do all these things and not the Legislature but by introducing this temporary Bill you are trying to make this Legislature responsible for all these misdeeds by overriding all the ordinary laws of the land. This is a most dangerous thing. This should not have any precedence over the ordinary laws of the land.

Lastly, I would appeal to the House not to pass this Ordinance regarding the drugs at least. People are dying for want of medicine. The Government should withdraw this Drug Ordinance from this Bill. Do not pass this Ordinance by mere majority. It will be really taking away the medicines from the markets, from the people, from the patients who badly require these medicines. I would again appeal to you not to pass this Ordinance.

**Mr. DEPUTY PRESIDENT:** Amendment moved that in the Schedule of the Bill, the following be deleted, namely:—

"1946 IV—The Bengal Drugs Control Continuance Ordinance, 1946".

**Mr. BIREN ROY:** Sir, I rise to support this very reasonable amendment of my friend Mr. Nahar. The Hon'ble the Chief Minister stated earlier in this House that by his efforts he had been able to have the mustard oil control removed by the Government of India and therefore today it has also been removed in Bengal and we are in this happy position at least that those who could not get even a drop of mustard oil is getting something. We accept the position that the oil is now available in Bengal after the removal of the control. In respect of the drugs control the same thing can be done. I would request the Chief Minister to go up to the Government of India in the same spirit to take away the control from the drugs so that this Ordinance at least could be wiped out in Bengal and we could freely get medicines not only in the cities but also in the interior parts of the country. If we support this Ordinance we would be doing something which would be contrary to the resolution we accepted last year moved by Mr. Nur Ahmed regarding the indigenous drugs industry in Bengal and we passed this resolution wholeheartedly in this House. We supported that resolution

which urged the Government to come forward to help the development of indigenous drugs industry in this province. And now by this Ordinance we are taking away that facility. Not only do the Government not want to develop our own indigenous drug industry; not only do they not want that more drug shops should be opened in various parts of this province to ameliorate the conditions prevalent at the present moment but they are also going to control the import of drugs which would have normally flowed into this province because everybody wants to do business in this country now and thereby increasing the normal flow. As we could see, in case of some consumer goods which are controlled partially, they are flooding the market and the prices are coming down, even rates lower than the control price are prevalent at the present moment. In some cases, even those drugs which have gone underground since, on account of their being controlled, could be obtained, during the period when the war was on, at even below the controlled rate. It is not a fact that all the drugs immediately went into the black-market during war-time because of the control enforced by the Government of India. Everything would have come down in price if these foreign drugs, at least the sulpha-drugs, and other new medicines which have been developed during the war period in the U.S.A. and in the continent be allowed to come freely, to be imported and sold in the province freely and as a result, many of the diseases which are also the outcome of the famine conditions and pestilence in this province could be very well tackled.

**Mr. DEPUTY PRESIDENT:** Mr. Roy, how long more will you take to speak?

**Mr. BIREN ROY:** Some 15 minutes more. If there is no time we can take this up tomorrow and continue.

**Mr. BIJOY SINGH NAHAR:** Let us continue this tomorrow.

**Mr. DEPUTY PRESIDENT:** The House stands adjourned till 2-15 p.m. tomorrow.

## Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 12th March, 1947.

**Members absent.**

The following members were absent from the meeting held on the 11th March, 1947:—

(1) Mr. Kamini Kumar Dutta.
(2) Sir Md. Azizul Haque, Khan Bahadur.
(3) Mr. Mungturam Jaipuria.
(4) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(5) Mr. Humayun Z. A. Kabir.
(6) Alhadj Yar Ali Khan.
(7) Mr. Syed Abdul Majid.
(8) Mr. Nagendra Nath Mahalanobish.
(9) Dr. Kumud Sankar Roy.
(10) Mr. Charu Chandra Sanyal.
(11) Mr. Eric Dermot Doyne.
(12) Mr. T. B. Nimmo.
(13) Mr. L. P. S. Bourne.
(14) Khan Bahadur Mukhlesur Rahaman.
(15) Mr. Patiram Roy.

WBGP-47/8-4143A-850

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session, 1947—No. 16.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 12th March, 1947, at 2-15 p.m. being the sixteenth day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTIONS AND ANSWERS

### Re-examination of the Post-war Reconstruction Schemes.

**70. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Chief Minister's Department be pleased to state if it is a fact that most of the post-war reconstruction schemes as printed in the Blue Book published by the Government of Bengal were prepared during the regime under Section 93?

(*b*) If so, do the Government propose to re-examine these schemes by an expert committee consisting of non-official members and official experts?

(*c*) If not, why not?

(*d*) Is it a fact that most of these schemes are preliminary schemes only?

**The Hon'ble Mr. TARAK NATH MUKHERJEA (on behalf of the Minister-in-charge of the Chief Minister's Department):** (*a*) Yes.

(*b*) No.

(*c*) The schemes are always under examination by experts; and my colleagues and I, who consider them in detail in Cabinet Committee, are fully in touch with non-official opinion on policy. Members of the Legislature are also being consulted in the districts under the organisation now being set up.

(*d*) Not now.

**Mr. BIREN ROY:** Have members of the legislature been invited as per answer (*c*)?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** They were not invited but were consulted from time to time.

**Mr. BIREN ROY:** Yes, but who were consulted?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** If the honourable member wants to know the names, then I want notice.

**Mr. BIREN ROY:** Are any Hindu members included in that?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Certainly, when the occasion arises and as the case may be, they are certainly invited.

**Mr. BIREN ROY:** There is no question of occasion arising. It is stated that members of the Legislature are also being consulted in the districts. In what districts and who are being consulted, and who have been consulted up to this time and what are the schemes on which their co-operation has been invited?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Member representing a district whose schemes are being considered are generally invited for the purpose.

**Mr. AMULYADHONE ROY:** In which districts work is proceeding?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Almost in all the districts.

**Mr. BIREN ROY:** I think, Sir, the question should stand over, as in fact many things are involved in it.

**Mr. PRESIDENT:** The Honourable Minister has replied to the questions and I see no reason why it should stand over.

**Mr. BIREN ROY:** All right, Sir. I shall then put other supplementary questions.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister please state whether he is prepared to publish for general information the post-war reconstruction schemes?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** The original schemes were published and further details will be published in due course.

**Mr. LALIT CHANDRA DAS:** Details are not ready then?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** The details are being considered and as soon as a final shape can be given to them they will be made public.

**Mr. LALIT CHANDRA DAS:** Are you prepared to admit that besides official experts there are also experts outside the official circle? Will the Hon'ble Minister admit that?

**Mr. PRESIDENT:** What is your point, Mr. Das?

**Mr. LALIT CHANDRA DAS:** My point is: It is said in (*c*) that the schemes are always under examination by experts; my question is whether these experts are all official who examine the schemes; presumably they are all officials?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Yes, normally, they are officials but if a case demands outside consultation outside experts will be consulted.

**Mr. LALIT CHANDRA DAS:** What is meant by the answer "not now" in (*d*)? The question was—if it is a fact that most of these schemes are preliminary schemes only, and the answer is—not now. What is meant by this?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Presumably it is a printing mistake.

**Mr. LALIT CHANDRA DAS:** Will you kindly explain what is the nature of the mistake?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** It is not a preliminary scheme. These schemes are being finalised.

**Mr. BIREN ROY:** Will the Hon'ble Minister be pleased to state what are the schemes which are not at the priliminary stage at the present moment and what are the schemes which are very much advanced?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Sir, it involves stating in great details. If the honourable member wants in detail I can supply them later.

**Mr. BISWA NATH ROY:** Will the Hon'ble Minister be pleased to state whether there are any schemes in the Presidency Division?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Yes, certainly there are many schemes in the Presidency Division.

**Mr. BISWA NATH ROY:** Who have been consulted with regard to these schemes in the Presidency Division?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** I cannot give you the names off-hand.

**Mr. BIREN ROY:** As the Hon'ble Minister who is replying to the question represents the Burdwan Division would he be pleased to let us know what schemes relating to that Division came to his knowledge and cite that these are the schemes of his division?

**Mr. PRESIDENT:** Mr. Roy, it is the privilege of the members to ask questions for information. But it is not the function of the Opposition or any member of the House to cross-examine a Minister—that is not the object of putting questions. Asking for information is the only object underlying the whole system. It is not the practice to cross-examine.

**Mr. BIREN ROY:** I am not cross-examining the Minister, but I am putting question to elicit information.

**Mr. PRESIDENT:** I am sure it is the duty of the Minister to give you information. But no question should be put in a spirit of cross-examination.

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Yes, Sir, there are hundreds of schemes, such as, irrigation scheme, road development scheme and such other schemes.

**Mr. LALIT CHANDRA DAS:** Arising out of answer (*c*), namely, "members of the Legislature are also being consulted in the districts under the organisation now being set up", is there any instruction from the Government that in all cases members of the Legislature of a particular locality should be consulted?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Members are consulted whenever occasion demands.

**Sir MUHAMMED AZIZUL HAQUE, Khan Bahadur:** In view of the fact that experts are high horse power men who are to be controlled, is it not desirable that matters should not be left entirely in the hands of the experts but should be examined by a Committee or the administrative department from their point of view?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** The Cabinet Development Committee always consider these things.

**Sir MUHAMMED AZIZUL HAQUE, Khan Bahadur:** Is there no likelihood of some of these important schemes being left in the pigeon holes of the Secretariat?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** No, Sir.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister be pleased to consider the desirability of instructing the district authorities to consult the members of the Legislature in their respective districts with regard to the schemes in their districts?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** They will be informed about this.

**Tram employees' strike.**

**63. Mr. HARIDAS MAJUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Department of Commerce, Labour and Industries be pleased to state what steps the Government propose to take to bring about a settlement of the dispute between the workers and the management of the Calcutta Tramways Co., Ltd., at an early date?

(*b*) Will the Hon'ble Minister make a statement explaining fully the present position of the strike in question?

**MINISTER in charge of the DEPARTMENT of COMMERCE, LABOUR and INDUSTRIES (the Hon'ble Mr. Shamsuddin Ahmed):** (*a*) The dispute has been referred for adjudication and continuance of the strike is now illegal. Government do not propose to open any negotiations with the workers for redress of their demands until the strike is called off and they resume work. Meanwhile action is being taken under the law against those who are responsible for continuing the strike.

(*b*) I have already made a statement on the Tramway employees' strike in the Assembly on 18th February, 1947, copy of which is placed on the Table. I have nothing to add to it.

*Statement referred to in reply to question No. 63.*

STATEMENT MADE BY THE HON'BLE MR. SHAMSUDDIN AHMED, MINISTER IN CHARGE OF COMMERCE, LABOUR AND INDUSTRIES DEPARTMENT, GOVERNMENT OF BENGAL, IN THE LEGISLATIVE ASSEMBLY ON THE 18TH FEBRUARY, 1947

SIR,

I beg leave to make a statement on the Tramways strike which still continues. The other day there was a motion for adjournment of the House to discuss the matter, but permission was refused. Government are aware of the serious inconvenience which is being caused by the continuance of the strike, and would like to be given an opportunity to state all relevant facts in the hope that their action has the full approval of the House.

Relations between the Tramway Company and their employees, as represented by the Calcutta Tramway Workers' Union, have for some time now been far from harmonious. In 1944 the Union gave notice of a strike which was averted on reference of the matters in dispute to adjudication. In 1945 the Union put forward a list of as many as 39 demands which had again to be referred to adjudication. This time the Union have put forward 7 demands including a demand for increment of basic wages and revision of scales and grades for all categories of staff and a demand for 2 months' pay to be given immediately to every member of the staff as bonus. The Union gave notice on the 7th January that unless these demands were conceded by the morning of the 21st January, the workers would resort to a complete strike and would continue the same until the demands were fulfilled.

On receipt of the strike notice the Labour Commissioner endeavoured to settle the matters in dispute by conciliation. He failed. Having regard to the importance of the Tramways as a transport service for the Calcutta area, he proposed reference of the dispute for adjudication. When the Workers' Union served a notice to resort to a strike I was in Delhi. On my return I was told that efforts had been made for conciliation without any fruitful result. In spite of the adjudication order I called the representatives of labour to a conference and asked them to come to a settlement and accept adjudication orders passed by Government. However in spite of my appeal to them they did not accept my advice. I asked them to see me again. Meanwhile I sent for the Acting Agent of the Tramway Company, Mr. Cross. The Acting Agent saw me. I told him the whole situation and asked him as to whether he could do something in respect of bonus

and increase in basic wages before the Adjudicator hears both sides and gives decision. He pleaded for time to communicate to the Directors at Home. The day following when the workers saw me again at my residence, I pleaded with them to grant time and postpone the strike if at all to a later date. The workers' representatives refused to grant any time. This conference took place one or two days before 21st when the actual strike was resorted to. I told the workers' representatives the position of Government in matter of dispute between the employer and the employee. The true course left open is a settlement by conciliation failing that Government could order adjudication. I told them if the Tramway workers went on strike even after the adjudication order the strike would be illegal and in that case Government would be forced to take action and that would not be fair either to them or Government. They did not listen to my advice and resorted to an illegal strike according to the notice on the 21st January.

Government made an order on the 14th January appointing Mr. Gupta, a member of the Indian Civil Service and an officer of judicial experience with previous knowledge of adjudication work, to adjudicate in the dispute. Copies of the order were duly sent to the Company as well as to the Workers' Union. Government issued a Press Note on the same day late in the afternoon announcing for public information that the Tramways dispute had been referred to adjudication and that it was an offence for workers to remain on strike and for leaders who are not workers to instigate its continuance.

Notwithstanding this, the strike commenced on the 21st. On the 24th Hon'ble the Chief Minister issued a statement deprecating continuance of the strike, and while he uttered a warning against the consequences of continuance of the strike he made a fervent appeal to workers to resume work and wait the Adjudicator's decision. There was no response from the workers. A few days after the continuance of the strike some Muslim workers saw me at my residence I told them the same thing that they had done an illegal act and advised them to call off the strike and resume their duties and if they wanted my personal intervention I would be prepared to intervene provided they called off the strike. A few days later the workers saw Mr. Abul Hashim, the Secretary of the Bengal Provincial Muslim League. Mr Hashim had conversation with me over the phone I told him the same thing that "you will please ask those men to call off the strike and I will personally intervene in the matter in spite of the adjudication order but unless they call off the strike I am sorry I cannot take any action". The President of the Union, Mr. Ismail, wrote to me a letter on 30th January, "Sir, Our representatives had been present when Mr. Abul Hashim, Secretary of the Bengal Provincial Muslim League, talked to you over the phone yesterday on the question of settling the Tramway's strike. They were given to understand by Mr. Hashim that you would be willing to discuss with us how the question of bonus and increase in the basic wage could be settled straightaway even without referring to adjudication.

If that be so, will you kindly let us know when it will be convenient for you to discuss with our representatives the above question." Sd. M. Ismail.

I replied but no response came from the workers. The reply that I gave them was that as the strike had been illegally launched I could not discuss with them the terms of the demands unless it was called off. The very same thing I told Mr. Hashim "Let the Tramway workers call off the strike and then I would be prepared to personally intervene in the matter before it goes to the Adjudicator". Even now my offer stands. What I told Mr. Hashim was that "if the strike is called off I am prepared to meet their representatives and discuss with them the question of bonus and increase in basic wage." Well, my doors are always open. I have tried to alleviate the condition of labourers after my assumption of office as Minister in charge of Labour. The representatives of labour can see me at any time and tell me

their grievances. But in this connection I must tell you that in spite of my repeated warnings the Tramway Workers' Union launched on an illegal strike.

Then the workers approached the Mayor of Calcutta, Mr. Osman. He had talks with me and he told me that the workers wanted to see me and I told him that the workers were always welcome to see me in spite of the adjudication order.

Four or five days back some of the workers saw me and they pressed me to get their demands acceded to by the Tramway Company. I gave the same reply. In this connection I might mention that on these three occasions every time new batch of workers came and saw me. The first batch of workers including the Secretary and Achariya came and saw me. The second time when the Muslim workers saw me there was only one man of the first batch and on the third occasion when they saw me in my office they were absolutely a new group. I told them that "that is not the way in which you should behave. Your President who wrote to me and your Secretary and Achariya who saw me on the first occasion should have come. Is this the way in which the Tramway Workers' Union should behave?"

The continuance of the strike raises certain very important issues. One is that a party in dispute asks to be the judge of its own demands and to be allowed to by-pass the machinery provided by law for settlement of trade disputes. If the Tramway Workers' Union will not take part in the adjudication proceedings and must continue the strike, there is reason to apprehend that other workers' unions equally well organised might be tempted to follow their example. The other is whether Government are expected to continue to condone the commission of an illegal act. Not only workers are refusing to resume work, but many others who are not workers are instigating the workers to continue to be on strike.

Government have noticed a statement made by the Union in the Press that if their demand for minimum wages was accepted, they might call off the strike. The Tramway Company sanctioned a certain increase in basic pay from 1st January. The Union was not satisfied. Now the point that I want to emphasise is that there is no legislation which lays down what should be the basic wages in certain undertaking or in certain industry. All that legislation can provide is the procedure to be followed in determining a basic wage. The issue regarding basic wages has been included in the reference for adjudication and Government have given an assurance that they will publish the entire text of the Adjudicator's decision and take steps to implement it. The Company, I may add, have voluntarily agreed to abide by the Adjudicator's decision.

In the circumstances what, I ask, is the justification for continuance of the strike. This is no case in which a charge can be made of Government standing on its prestige. Government have tried conciliation and offered adjudication. Government have made repeated appeals to the workers to call off the strike. Government have given an assurance that they would fully implement the Adjudicator's decision.

Government must continue to explore every means of bringing the strike to an end. If workers continue to defy the adjudication machinery, Tramway Company will be compelled, as the workers are continuing their offence, to terminate their services and employ new hands.

I might mention that in this country in its present stage of industrial development uncertainty of position regarding labour and the constant threat of strikes which seems to be a part of the programme of work of a particular section of labour representatives is hardly conducive to the development of industry. It is impossible to make any headway in this country when everything is in a nascent state of existence. I fully realise that labour must have a living wage but the Government of the day is not

unaware of it. A popular Government is fully alive to its responsibilities but at the same time it cannot forget its duties to the people so far as the governance of the country in a peaceful manner is concerned. I can assure the House that this Government after its assumption of office has dealt with labour in a fair and square manner and it proposes to pursue the same policy.

I do not like to end on a note of threat. My sympathy with labour is wellknown. I need not cite instances, but even during my short term of office I can claim in quite a good number of cases I personally intervened and brought about satisfactory conclusion of labour strike. I can mention some of these: The Dhakeswari Mill labour strike, The Bata, Bauria Jute Mills and a few others.

I have always tried not only to sympathise with the workers but to help them and in many cases I have told the employers that time has come that employers should change their angle of vision and look at the demands of labourers with toleration and sympathy. I am sorry to say that in this particular case I have not been able to meet with any amount of success. I have already told the workers that this is a case in which the public utility concern and the workers should realise the inconvenience that they are putting the public in this matter. Even today my offer stands. Let the workers call off the strike and resume work and I would personally intervene in spite of the adjudication order.

**Mr. HARIDAS MAZUMDAR:** Will the Hon'ble Minister please state what steps the Government have taken to persuade the Tramway Company to accept the terms of the employees?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** The whole question has been referred to the adjudication—both the employer's points of view as also the employees' points of view.

**Mr. HARIDAS MAZUMDAR:** Is it a fact that Mr. Somnath Lahiri with Mr. Osman, the Mayor of Calcutta, approached the Hon'ble Minister to negotiate in this matter?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Yes, they came to me. I have always told everybody whoever came to see me in this connection to ask the employees to join, because it was an illegal strike, for it has already been referred to adjudication. But they do not listen to me. I do not know who guides them. Possibly the Communist Party guide them. The strike has already been declared illegal.

**Mr. HARIDAS MAZUMDAR:** Will the Hon'ble Minister inform the the House the principle that is followed in regard to these strike disputes in Calcutta and in the suburbs? Have all these been referred to adjudication?

**Mr. PRESIDENT:** Mr. Mazumdar, that is a general question. I do not think that that question arises out of this.

**Mr. HARIDAS MAZUMDAR:** Sir, you will see the relevancy afterwards when I put another question.

**Mr. PRESIDENT:** But the present one does not arise.

**Mr. LALIT CHANDRA DAS:** Do the Government consider that their duty ends as soon as they refer the matter to adjudication? Why do they not open negotiation with the representatives of the workers but only take action against those who are responsible for continuing this strike?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Government asks the parties to come to terms but when that fails the Government has no other alternative left but to refer the matter to adjudication.

**Mr. LALIT CHANDRA DAS:** Does the Government realise the great public inconvenience owing to the stoppage of tramways?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Government know that it is a public utility concern and that is why this matter has been referred to the adjudication.

**Mr. HARIDAS MAZUMDAR:** Will the Hon'ble Minister please inform the House whether the adjudication award is binding on Government?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Adjudication is always binding on Government but when there is difficulty about the terms it is for the Government to decide what particular item of the award would be favourable to both the parties.

**Sir MUHAMMAD AZIZUL HAQUE, Khan Bahadur:** I take it that the Hon'ble Minister when he says "Award" means decision of the adjudication?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Yes.

**Mr. LALIT CHANDRA DAS:** Have Government put any pressure upon the company to see to it that the Tramway Company imported workers from outside and ran the service.

**Mr. PRESIDENT:** In view of the reply given by the Hon'ble Minister I do not think your question is relevant.

**Sir MUHAMMAD AZIZUL HAQUE, Khan Bahadur:** Will the Hon'ble Minister be pleased to state whether it is a fact that in the past in every such case adjudication had been accepted by Government?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Yes, I may also tell my friend that so long as we have been in office all the cases that have been referred to adjudication have proved very fruitful. Only recently the Burnpur case was put before the Adjudicator and both sides came to a settlement speedily before the Adjudicator gave the award and all other cases that came before the adjudicator have proved very fruitful and always both the sides have been pleased with the result.

**Sir MUHAMMAD AZIZUL HAQUE, Khan Bahadur:** Will the Hon'ble Minister be pleased to state whether adjudication is the only alternative left open to Government in such cases?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Yes.

**Mr. BIREN ROY:** As a question of principle is involved may I request the Hon'ble Minister in charge of Labour to let us know whether in all cases of strikes, in which he thinks on the best authority unreasonable demands had been made, adjudication is ordered?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Adjudication is ordered when the Government finds that both the querrelling parties could not come to a settlement themselves. Otherwise why should Government order adjudication?

**Mr. BIREN ROY:** My question has not been properly understood. I did not ask whether if one party to the strike is unreasonable in their demand adjudication is ordered, because if both the parties are fighting one party must be unreasonable and I want to know whether the adjudication is ordered in such cases of strike only. Supposing the *methars*—they are essential for maintaining the health of the people of the place by keeping the place neat and clean—of the Calcutta Corporation or any other place strike, is adjudication ordered just as is done in the case of the Tramways?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** I could not quite follow you. You say both parties may be unreasonable or one party may be unreasonable in making or meeting the demands. For example certain demands are made by the employees. Certain demands are met and certain are not. Even then the question of dispute remains. What is left

to the Government then? Government cannot tie them together and force them to come to terms except by an order of adjudication. They have no other course.

**Mr. BIREN ROY:** That is exactly what I was asking for and I now have the answer from the Minister that adjudication is ordered in every such case.

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Certainly.

**Mr. LALIT CHANDRA DAS:** Will Government take up the Tramways and run it themselves? Will the Government consider the desirability of taking over the tramways and running it for the benefit of the people in view of the indescribable transport difficulties they have been put to?

**The Hon'ble Mr. SHAMSHUDDIN AHMED:** You mean nationalisation of Tramways, and other transport services. That will be considered by Government.

**Mr. HARIDAS MAJUMDAR:** Will Government please state if in the licence granted to the tramway company there is any such condition that if the track is left open and if the service is suspended for an indefinite period of time then their licence will be cancelled?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** I could not tell you that offhand. I want notice.

**Mr. LALIT CHANDRA DAS:** Will Government consider the desirability of taking it up and running it?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** You mean transport companies Government will consider that and very soon Government will let you know what they are going to do

## The Bengal Ordinances Temporary Enactment Bill, 1947.

*(As passed by the Assembly.)*

**Mr. BIREN ROY:** I was on my legs last time. As I was explaining yesterday, this House will be working completely against the principles of a resolution which we passed last year when we were discussing a non-official resolution on the Indigenous Drug Industry moved by Mr. Nur Ahmed but I must explain and clear up my personal position in this respect. During the debate which followed, the late Khan Bahadur Momin wanted to state in the House that actually the resolution under discussion was the development of indigenous drugs in India whereas the resolution ran as the Development of Indigenous Drugs Industry which meant actually the manufacture of drugs in this country by indigenous firms and that was the accepted view of the Honourable Minister in charge of Industry, who is not in the present Cabinet. So, in view of the fact that we passed such a resolution here, we want that drugs should not be controlled and that drugs of all kinds in spite of the fact that they were being controlled for the purpose of the war effort should be allowed to be manufactured by Indian industrialists. If you discuss actually what led to this drug control order you will find that the Indian Drugs Act came into operation in 1940, but within three years, before the Act could be given effect to, the Drug Control Order by the Central Government came into being and Indian industrialists were immensely handicapped in the manufacture of drugs because of indiscriminate ideas of control, irregular ideas, I should say, which involved the schedules of this control order. Now, in schedule (*a*), Part 2, we find that certain essential drugs, as for example, pituitrin, aspirin and so on, which were manufactured in England or in foreign countries were kept at such a low level of price that in Part I they were in direct contradiction to the

same kind of things which will be produced by indigenous drug industry in this country, althouth those people who actually drew up these control orders knew very well that in another section in part III of schedule A that regulated the prices of the essential fine chemicals and other stuffs which were not available or produced in India and which would only be made available to them either by means of permits or practically by forcing them on to the black market for that is the only sphere where this agency of control would drive them, otherwise it would not be possible that something that was available in the black market could not flow into the real market. They procured it at a price much higher than the controlled price and drugs produced from such chemicals have to be sold by them under the Drug Control Order at a price cheaper than what it would have been the price from foreign sources who exported them from the countries where those essential things were manufactured. Now, Sir, these were the irregularities and things which we pointed out at the time, but the Hon'ble Chief Minister who is now at the helm of affairs must be always willing to help the people of the province and as he put it himself he was glad that it was he who put forth his best efforts to try to do away with the Mustard Oil Control Order by representation to the Central Government and has now made it possible to flow into this province, why should he not then take up this important question of the manufacture of drugs and their equitable distribution in the country, but instead, has not, it seems, gone into the thing at all. Therefore he wants this most essential thing to remain under control and in a sweeping way get the whole Bill heard in one day. Unfortunately we are dubbed as obstructionists and we have continued the discussion for three days. We would have co-operated with his efforts if he had just given us an assurance that if we sat round the table and discussed the matter amongst ourselves one day and explained that all these things were absolutely and really necessary then the Opposition would have co-operated. If he sincerely wants our co-operation then we will give it and we would have withdrawn our "tactics" and allowed him to create a good will so that those things which vitally concern not only the Hindus but also the Muslims and specially those in the interior parts of the country, in rural areas should be made available much more cheaply and freely than it is possible through this control measure. When I say this, I think, I voice the opinion of the majority of my Muslim friends on the other side who also want that this control order should be withdrawn. Not only that, I know that there is a feeling amongst them that there should not be any control but that they are goaded to agree to the Government measures just as my friend Mr. Nur Ahmed had to withdraw all his amendments the other day which should have been moved for the benefit of the people. I think he should be the first person to come forward and state on behalf of the Government members that this Bill, at least the Drug Control Order, should be withdrawn from the schedule of Ordinances. In explaining my position about this case I would only place one important fact. The fact is that there is a surplus of many essential drugs which have accumulated after the war not only from the military depots and other stockists who brought these but there is also a very large stock with the profiteers which they want to disgorge. But if you continue this control order these stocks will go underground and profiteering will go on with double vigour. If this control order is not modified what will happen is that during these days when things should move freely and should be manufactured easily these drugs would be scarce and those persons who will have permit or license would be selling the drugs at a very high cost when cheaper stuff could be made available by importation from abroad. I will cite one case, Sir. Before the war Australia used to import not only drugs manufactured in India but they used to import a lot of other essential things, such as, plants and raw materials for the purpose of manufacture of drugs and other things from India and also some chemicals. But war changed the whole position and now Australia is flooding India with various things including drugs, as the

shipping position is very difficult and it is only easier for Australia and South Eastern countries to ship goods to India and thus we are being made to pay heavily, as a matter of fact double the previous rate, for goods manufactured in England and also from U.S.A. and other places. On account of dollar control come through Australia, the position of Australia thus has become doubly advantageous. 400 millions of Indians have to pay high price for drugs which are manufactured from her own plants and for which they have to pay twice and more prices on account of this control system. Bengal, Sir, is full of various kinds of plant and Mr. Nur Ahmed in his resolution tried to impress the House of the utility of these plants and he advocated that there should be laboratories for the manufacture of drugs from these plants, that there should be research work on the development of drugs, but it seems that he has forgotten everything now.

Then Sir, why is this control? Why do you not help indigenous drugs or indigenous drug industries? They should be allowed to develop in this country when I think you should have them included in the Post-war Reconstruction Schemes which have been so ably explained in a vague way by the Hon'ble Mr. Tarak Nath Mukherjea today. If we get the medicines it can go a long way in checking the pestilence and various diseases now prevailing in our country. Why leave everything in the hands of the Birlas and others who have already made so much money during the war through the medium of the control business. They are bringing in medicines from Europe and Australia at a cheaper rate and selling them here at a higher rate. Mr. Suhrawardy says that he would later bring in a Bill embodying all these Ordinances. That gives us a fright. He wants us to co-operate with the Government. May we ask him to be a little Bengali-minded and not Bengal minded? Have the Bengali Muslims profited in any way by anything that has been done by the present Ministry? I appeal to him to stand up and say "Yes". Bengal should be for the Bengalis—Muslims or Hindus. If Mr. Suhrawardy agrees to it we shall give him our co-operation and with our co-operation I think Bengal will not lag behind any province in India in respect of progress. No, Sir, we shall not lag behind any country in the world. The Bengali boys practically unpartitioned the partitioned Bengal and if necessary they will now partition it...

**Mr. PRESIDENT:** Mr. Roy, I am afraid you are digressing too much from the amendments regarding the deletion of the Drugs Control Ordinance. I hope you will keep yourself on the subject matter.

**Mr. BIREN ROY:** I want the Government to take away at least this Drug Control Ordinance. The Chief Minister says we are unreasonable but let him be not unreasonable in this matter of drugs. If he takes out this Ordinance it would be much simpler. I am appealing for the last time to take out this Drug Ordinance from the Bill. If you do that we shall co-operate with you.

**Sir MUHAMMAD AZIZUL HAQUE, Khan Bahadur:** Sir, being one of the arch criminals responsible at one stage for some of the control orders and with a good deal of experience as to the working of this Drug Control Order, I would only like to speak a few words at this stage. I do agree with him that the control measures are not and should not be a permanent feature of the economic life of a country and every earnest opportunity should be found to decontrol all commodities which have been brought under control. The only question is the time and the circumstances under which such control measures should be withdrawn. I do not think by legislating with a view to take power from the Drug Control Order it necessarily means that Government must necessarily keep control over the drugs over a long period of time. It is quite possible that having got the power Government will decide soon after to-day, six months after or later that the Control enforced should be taken away but if this amendment is carried it means the immediate cessation of the power of control which the Government in the existing

circumstances consider necessary. My sole question to-day is whether, having regard to the fact that we have been living for some time under a system of control, we cannot put up with it for sometime more if it is necessary. My friend is perhaps aware of the circumstances under which the Drug Control Order had to be promulgated. My friend is probably aware that Bengal of all the Provinces in India is the one place where drugs of all kinds have developed. There have been a good deal of researches by pharmaceutical firms and chemists and factories and I know by personal experience that a good number of things on the drugs line were not available even at fantastically high prices. I know that people had to go to Delhi and Bombay to pay Rs. 400 or Rs. 500 for a lb. of quinine in order to keep their factories going. It was under these circumstances that the Drug Control Order had to be promulgated. Sir, the honourable member knows it perfectly well if he would have gone to a shop himself during that period he would not get even one pill of quinine for a rupee but if you send a servant he would be able to get it at the same price because he would bring it from the black market. That was the circumstance, Sir, under which the Drug Control Order had to be promulgated. (Mr. BIREN ROY: Are such circumstances prevalent now?) That is what I am coming to. The question is whether we have come to such a stage in which such a Control is no longer necessary and my friend as an argument in favour of removal of such a control has suggested that we should import a very large quantity of drugs from outside. Well, I am astounded at such a suggestion. I know that as a matter of fact a very large number of people employed in this country are anxious that no drugs, at least such of those drugs as are prepared in India should be imported from abroad. (Mr. BIREN ROY: You have misunderstood me.) That is a question which will have to be entered into on its own merits. The whole point is whether we should go on importing drugs from outside although we have the same drugs here. My friend knows that for some time there was free import of all kinds of medicines from abroad. By this I do not mean to say that there should be no imports at all. But the question is whether as a policy, that is what I am saying, you can continue to import things from outside; whether you can accept it as a policy that as a matter of fact we will not develop this industry within the country and will go on importing from abroad. (Mr. BIREN ROY: No, certainly not.) I am glad that he agrees with me that as a permanent policy we should try to develop the drugs of this country. My friend has again said that the Government should do something as post-war reconstruction. Well, I am not yet aware of any country where researches in medicines can be done or is done by Government and I think it has always been left to certain specialists, experts, universities and research organisations and particularly to those chemical and pharmaceutical concerns which are employed in this line. I certainly would agree with him subject to this that Government should encourage it by seeing that those who are employed in this industry do spend a certain amount of money for research purposes. But the tragedy in this country is that most of our industries they only know how to make a profit and they won't care to know that research is a valuable investment for the purpose of the future development of this country. I only join with him on this ground and ask the Government whether the time has come when taking away this power of control would be conducive to the best interests of the country and if so to withdraw the Control. If not—because there is a good deal of difference of opinion in the matter of continuing or discontinuing this control—this Control Order should be continued and the present Bill is merely to retain the power of Government til the necessity for such power disappears.

**Mr. BIREN ROY:** Sir, may I have only two minutes by way of personal explanation?

**Mr. PRESIDENT:** You need not give any personal explanation now.

**Mr. BIREN ROY:** I would like to do so because my speech has been misunderstood by members on the other side.

**The Hon'ble Mr. H. S. SUHRAWARDY:** What do you mean? Your speech is on record, and no personal explanation is necessary.

**Mr. PRESIDENT:** What is your personal explanation about?

**Mr. BIREN ROY:** Sir, I wanted to say that it is not——

**Mr. PRESIDENT:** Well, what you wanted to say and did not say—etc., etc., does not concern the House; the House is only concerned with what you actually said.

**Mr. BIREN ROY:** What I said, Sir, has been misunderstood.

**Mr. PRESIDENT:** I cannot allow you to make another speech.

**Mr. BIREN ROY:** Sir, I want only two minutes——

**The Hon'ble Mr. H. S. SUHRAWARDY:** The House has properly understood you and you need not——

**Mr. LALIT CHANDRA DAS:** Will you, Sir, kindly allow me to give my views?

**The Hon'ble Mr. H. S. SUHRAWARDY:** No.

**Mr. LALIT CHANDRA DAS:** You please take your seat: it is for the Chair to say what he likes in the matter.

Mr. President, Sir, I rise to support the amendment moved by my friend Mr. Nahar that the Drug Control Order be discontinued. Now, Sir, it would appear that it is after all a continuance of the Drug Control Order, 1945, first promulgated by the Government of India. As Sir Azizul Haque has pointed out the whole question is whether conditions now exist which would justify the Government continuing the Control Order.

**Mr. PRESIDENT:** Mr. Das, just one thing. If you cannot finish this Bill today by 4-15 p.m., I am afraid you will have to sit longer hours. You will kindly remember this point and adjust your speech accordingly. There is no option; we have got to meet again.

**Mr. LALIT CHANDRA DAS:** Why, Sir?

**Mr. PRESIDENT:** Because I am told that the Ordinances will expire on a certain date and after the Bill goes through this House a Message will have to be sent to the other House and the Bill will then have to be taken to New Delhi for the assent of the Governor-General.

**Mr. BEJOY SINGH NAHAR:** Are we responsible for this, Sir?

**Mr. PRESIDENT:** Not a question of anybody being responsible. You can debate on this matter if you like but the Opposition and the Government must co-operate on this particular issue. You can defeat any section in the Bill or even throw out the entire Bill, but that is a different question. You must, however, sit longer hours and try to finish the Bill today.

**Mr. BIJOY SINGH NAHAR:** Cannot we then express our views?

**Mr. PRESIDENT:** You are not being deprived of any opportunity or of the right to discuss the Bill. But I am only reminding you that if you cannot finish it within a particular hour, you will have to sit again today to dispose of this business. That's all.

**Mr. LALIT CHANDRA DAS:** If it comes to that, then we will have to do so. But, Sir, all I say is this, that if these hateful Ordinances go, then we shall not be in the least sorry. Anyway, if it is to be finished——

**Mr. PRESIDENT:** It is the House that will have to decide whether these Bill should be passed or rejected.

**Mr. LALIT CHANDRA DAS:** At the same time, you will please see that as many as ten Ordinances have been put in a single Bill. We have now come to the fourth Ordinance and still six Ordinances remain, so that it may not be possible for us to finish the Bill today by 4-15 p.m. I want to speak on the Ordinances because though the Government may be of the view that they are urgent, we hold that they are absolutely unnecessary. It is necessary therefore that we should record our views with regard to the six others and for that it may not be possible to finish discussion by 4-15 p.m. to-day.

**The Hon'ble Mr. H. S. Suhrawardy:** It is quite clear that it is absolutely the irrelevancies and banalities of the Opposition merely for the purpose of dragging the proceedings on, that is causing this delay——

**Mr. PRESIDENT:** Mr. Suhrawardy, I think it is the duty and the privilege of the Opposition to oppose, provided that it is done constitutionally. So I must give them sufficient opportunity to discuss the Bill, but I must remind the honourable members that it is for the House to dispose of this business within a certain time in view of the great urgency of the matter.

**Mr. LALIT CHANDRA DAS:** I would like to add with respect to this that I do not think that Government has assigned any good reason why the Drug Control Order should continue. It was promulgated by the Government of India in 1945 and now it is being enforced with certain modification in Bengal. As Mr. Azizul Haque stated and as stated by Mr. Biren Roy in Bengal there are many medical research organisations which are really making drugs and this control order is not only on imported drugs but also with regard to those drugs which are being manufactured here and which are bottled up and do not come before the public for public use in the way that public may be benefited. Here, Sir, I should like to give certain instances. People of Bengal are suffering from various ailments and the poverty stricken people of Bengal have been very adversely affected by this control order on drugs. They can with difficulty meet the expenses of an ordinary medicine previous to the war worth 8 to 10 annas prescribed by the doctor, but which now is worth Rs. 5 or Rs. 6. It is now impossible for poor men to go to the apothecary and get the medicine. Is it possible for an ordinary man to purchase a medicine at that price? That is the condition in which the public has been placed because of the control order. Not that the drugs are not here, the drugs are there, but on account of this control order they have gone underground and are not available to the ordinary man. Take for instance, Angiers Emulsion. This medicine is in almost all the chemist shops and if an officer of the Civil Supply Department makes a genuine attempt to find this medicine in the shop he will be able to do so. But the position is that when he goes to the chemist shop he is shown a few bottles but as soon as the public go there to get the medicine they disappear to be sold in black-market and is available to those who can afford to pay 3 or 4 times its ordinary price. Same is the case of Winkernis and Vick's Vapours, Horlicks and other medicines. These medicines cannot be had at their normal or control price. But in the black-market they are available. These are the medicines which we very badly require but we cannot get them in spite of their presence. What is then the necessity of retaining these Ordinances and control order to put a restriction on the supply of these medicines. The Hon'ble Home Minister has not given any answer to that. As stated by Mr. Azizul Haque, there was a

time when there was necessity for enforcing the control order. Quinine was not available at all in the province during the war and if quinine could not be had poor people would suffer, therefore it was necessary to impose control. But now the war is over and all these medicines could be imported freely. War is over in 1945 why then is it necessary to continue this control order with the effect that poor people of the province are suffering? No reason has been given justifying the continuance of this control in the year 1947. With these words I support the amendment of Mr. Nahar.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I propose to reply to this amendment and I hope this will be the last motion to which I shall reply.

I am surprised that responsible honourable member should indulge in speaking most arrant and continuing to speak the most arrant irrelevancies on the floor of this House for at least 20 minutes without conveying the slightest sense. I wonder if the honourable members opposite will accept the dictum of the Government of India. Sir, it is the Government of India that wanted us to pass a Bill in this House to empower this Government to continue provisions of this Drug Control Ordinance. So, in order to take necessary power into our own hands, we have included in a Bill all these Ordinances.

**Mr. PRESIDENT:** The question before the House is that in the schedule of the Bill, the following be deleted, namely:—

"1946 IV...The Bengal Drugs Control Continuance Ordinance, 1946".

The motion was put and a Division challenged.

(When the Division Bell was ringing.)

**Mr. HAMIDUL HUQ CHOWDHURY:** Sir, may I suggest that when the members voting for the amendment are so small in number the voting might be taken by show of hands?

**Mr. PRESIDENT:** I may assure you that it may take more time than going to the Lobbies.

Division was taken with the following result:—

**AYES—10.**

Mr. Lalit Chandra Das
Mr. Hemendra Kumar Das
Mr. Bankim Chandra Datta
Mr. Satish Chandra Jana
Rai Bahadur Brojendra Mohan Maitra
Mr. Bijoy Singh Nahar
Rai Bahadur Jogendra Nath Ray
Mr. Biren Roy
Mr. Biswanath Roy
Mr. Patiram Roy

**NOES—30.**

Mr. Abdulla-al-Mahmud
Mr. Nur Ahmed
Mr. Sultanuddin Ahmed
Rai Bahadur Dhirendra Lal Barua
Mr. Reajuddin Bhuiya
Khan Bahadur Syed Abdur Rashid Chowdhury
Mr. Choudhury Moazzem Hossain
Mr. Hamidul Huq Chowdhury
Mr. Abdul Hamid Chowdhury
Khan Bahadur Abdul Latif Chowdhury
Mr. Syed Fazle Rabbi Chowdhury
Mr. D. J. Cohen, O.B.E.
Mr. E. D. Doyne
Mrs. Labanyaprobha Dutt
Khan Bahadur A. M. Shahoodul Haque
Sir Md. Azizul Haque, Khan Bahadur
Mr. G. J. K. Hook
The Hon'ble Mr. Saiyed Muazzamuddin Hosain
Mr. Latafat Hossain
Khan Sahib Mobarak Ali Khan
Mr. Abdul Latiff
Mr. George Morgan, C.I.E.
Khan Bahadur Ghyasuddin Pathan
Khan Bahadur Mukhlesur Rahman
Mr. Abdul Rashid
Mr. Amulyadhone Roy
Dr. Kasiruddin Talukdar
Mr. Md. Taufiq
Khan Sahib Maulvi Wahiduzzaman
Haji Md. Yusuf

The Ayes being 10 and Noes 30 the amendment was lost.

**Mr. LALIT CHANDRA DAS:** Sir, I beg to move that in the Schedule of the Bill, the following be deleted, namely:—

"1946 V... The Calcutta Rent Ordinance, 1946."

Now, Sir, in all fairness I should say that the Government should take this out of the Schedule of this Bill on two grounds. The first ground is that a Bill namely the Calcutta Rent Bill is still under discussion in this House and so the inclusion of this Ordinance in this Temporary Enactment Bill in the Scheduled is illegal and the second ground is the ground of fairness to this House. First of all I desire to draw your attention to Section 73 of the Government of India Act sub-section (*1*). It runs as follows: "Subject to the special provisions of this part of this Act with respect to financial bills, a bill may originate in either Chamber of a Legislature of a province which has a Legislative Council."

Now, Sir, the law does not say that a Bill may originate in both the Chambers of the Legislature of the province at the same time. The wording is—a Bill may originate in either Chamber of the Province which has a Legislative Council. So far as that Bill is concerned, I mean, the Calcutta Rent Ordinance Bill, it originated in this House and was referred to a select committee. We are in seizin of the Bill.

**Mr. PRESIDENT:** Mr. Das, that question was discussed yesterday and I do not think you should repeat it to-day. That very point was raised so far as I remember by you and I replied to that by pointing out that Government would very likely as the Chief Minister assured the House, place a clause in the Bill in the other place deleting this Ordinance after the Calcutta Rent Bill went through both the Houses. So I do not think you need repeat that now.

**Mr. LALIT CHANDRA DAS:** All this I raised, it is true but I did so in course of a point of order. But in discussing this Ordinance I am also pointing out my view of the matter that it is illegal. All that I say is that the Bill having originated in this House——

**Mr. PRESIDENT:** I am afraid I do not see your point Because you have moved amendments, you have accepted the principle that the Bill is before the House and the House has a right to move amendments and express its opinion. I do not think you can raise it as a question as to whether it is competent to this House to discuss or consider this Bill in view of the fact that the other Bill is pending.

**Mr. LALIT CHANDRA DAS:** With due respect to the Chair, what I desire to say is that my amendment is that this Rent Ordinance be deleted I may say that here I am urging grounds by which Government may consider why it may be deleted if they are convinied on the ground of illegality as well as on the ground of fairness. My ground is that this Ordinance should go off the Bill and that is the point that I am urging as to how this Bill having originated in this House should not have originated in the Assembly also. It is illegal and therefore it should be taken off the Bill. My second ground is fairness, that is, it should be taken off the Bill in fairness to us. Honourable members of this House should feel the same with me in this matter as to whether in this particular case they should support the Government, this house having the seizin of the Bill already. In their heart of hearts they know that it is only fair that we should pass that Bill; we have already taken it under consideration, and have almost gone through half its provisions and we shall pass it in the near future, but in the meantime this Rent Ordinance has been introduced and if it is passed by the Legislature it becomes law, then it would certainly injuriously affect the position of this House in so far as the question of the consideration of the Calcutta Rent Bill is concerned It is quite one thing for the Chief Minister to say that he will put in a

rider later on that the Calcutta Rent Ordinance in this Bill be repealed once we pass the other Bill in the regular manner, but in what way will the Honourable Minister do it?

I for one do not understand in what way we can do it.

**Mr. PRESIDENT:** Mr. Das you should give up that point. I cannot allow you to pursue that argument any further. If you want to support your amendment, please do so.

**Mr. LALIT CHANDRA DAS:** Sir, I obey your ruling. But all that I do say is that there is no reason why it should not be deleted. With these words I commend my motion.

**Mr. President:** Amendment moved that in the schedule of the Bill, the following be deleted, namely:—

"1946 V... The Calcutta Rent Ordinance, 1946".

**Mr. BIJOY SINGH NAHAR:** Sir, I rise to support the amendment moved by my friend Mr. Das. We have heard a lot about the Calcutta Rent Control Ordinance. This Ordinance has not given any relief to the people who cannot have any house to live in Calcutta. In this Ordinance we have not seen anyting which gives impetus for the construction of more buildings in this city. This has restricted many things and have given certain concessions and rights to the tenants only and as such this Ordinance does not give any impetus to capitalist to build more houses in the city so that the congestion in the city may be less. Government have not yet made any arrangement so that people may get iron, cement, bricks and other materials in order to construct more buildings. So unless and until these things are done you cannot remove the congestion. You cannot reduce the want of flats and rooms in the city of Calcutta. There is another thing which I want to say and that is that the Government have not done any thing to remove the transport difficulty They are only anxious for power. If sufficient transport facility from suburbs is available the congestion could have been avoided. Nothing has been suggested to have a suburban service for the diversion of the congestion from the city to the suburbs. The provisions only say that the landlords should not do this or that. The provisions do not touch the tenants. With these words I support the amendment moved by my friend Mr Das

**Mr. BIREN ROY:** Sir, in supporting the amendment moved by my friend Mr Das I would draw the attention of the Hon'ble Chief Minister... The Hon'ble Mr. H S. SUHRAWARDY. Oh go away.) How can I go away? I shall stay and continue. Now, Sir, I wholeheartedly support the amendment moved by my friend Mr Das (The Hon'ble Mr. H. S. SUHRAWARDY: Landlord!). Aren't you a landlord are'nt you going to lord over many things? I do not want to comment on his landlording business, of the Hon'ble Chief Minister, Sir, but the main problem is that it is not up to the Hon'ble Chief Minister to lose his temper. We are, Sir, much younger than he in parliamentary affairs. But it is known to all that filibustering is one of the parliamentary procedure and we are mere miniature and amateur filibusters at that.

We do not take much of your time We are taking 5 or 10 minutes and you want to stifle that too through interruptions. My main point in attacking the inclusion of this rent ordinance would be this: that the Government has already wasted not only our time the responsibility of which they now want to shelve on us but they have brought a Bill in this House and we are in seizin of it. They appointed a Select Committee to go through that Bill. Much money has been wasted on it. Being not satisfied with wasting that money they are now adopting another backdoor policy through other amendments to change the decision of the Select Committee. They wasted public money in giving travelling allowances and

other emoluments to certain members attending the Select Committee. They have not been able to make up their minds yet. Unfortunately, Sir, my honourable friends on the European side supported that...

**Mr. PRESIDENT:** Mr. Roy, I hope you will realise that we are not discussing the Calcutta Rent Bill at the present moment. I request you not to refer to any incident in connection with that Bill.

**Mr. BIREN ROY:** I am just impressing upon the House why this ordinance should go out of this Bill. The Hon'ble the Chief Minister has already stated in this House in connection with the illegality of bringing in this Rent Ordinance when we have a Rent Bill on the point of order raised by Mr. Lalit Chandra Das—that he would bring in a repealing section in the next Bill. But why all this fus is necessary. Much money could have been saved by not bringing in that Bill. After we have passed that Rent Bill if there be any provisions which will be to the advantage of the unfortunate landlords who have been treated like criminals because they have built houses and rented them to those who haven't, these will be inoperative and so when a repealing bill will come, it will bring in its trail a new Bill and another ordinance will come in again. Nothing has been done to safeguard the interests of both the landlords and the tenants. Nothing has been done by which the landlords can get iron, steel or cement from the controllers. Nothing has been done in this respect so that the landlords can build more flats to relieve the congestion When a tenant has been ejected he cannot have another house and there is no provision by which such a tenant can be helped with accommodation and may not be harrassed. There is no beneficial provision in the Bill Moreover, there is no necessity for such an ordinance now. In war time it had been necessary. You cannot put forward the plea of emergency for all time to come. Instead of this you should create good will to win back the people. Do not try continue all these ordinances. If you take out all these ordinances we shall automatically go out. There will not be any necessity for us to speak.

**Mr. PRESIDENT:** The question before the House is that in the Schedule of the Bill, the following be deleted, namely :—

"1946. V ..... The Calcutta Rent Ordinance, 1946".

The motion was put and a Division taken with the following result :—

**AYES—10.**

| | |
|---|---|
| Mr. Lalit Chandra Das | Mr. Bijoy Singh Nahar |
| Mr. Hemendra Kumar Das | Mr. Biren Roy |
| Mr. Bankim Chandra Datta | Mr. Biswanath Roy |
| Mr. Satish Chandra Jana | Mr. Patiram Roy |
| Rai Bahadur Brojendra Mohan Maitra | Mr. Birendra Kishore Roy Chowdhury |

**NOES—31.**

| | |
|---|---|
| Mr. Abdulla-al-Mahmud | Mr. G. J. K. Hook |
| Mr. Nur Ahmed | The Hon'ble Mr. Saiyed Muazzamuddin Hosain |
| Mr. Sultanuddin Ahmed | Mr. Latafat Hossain |
| Mr. Syed Badrudduja | Khan Sahib Mobarak Ali Khan |
| Rai Bahadur Dhirendra Lal Barua | Mr. Abdul Latiff |
| Mr. Reajuddin Bhuiya | Mr. George Morgan, C.I.E. |
| Khan Bahadur Syed Abdur Rasid Choudhury | Khan Bahadur Ghyasuddin Pathan |
| Mr. Choudhury Moazzem Hossein | Khan Bahadur Mukhlesur Rahman |
| Mr. Abdul Hamid Chowdhury | Mr. Abdul Rashid |
| Khan Bahadur Abdul Latif Chowdhury | Mr. Amulyadhone Roy |
| Mr. Syed Fazle Rabbi Chowdhury | Miss Ethel Robertson, C.S.M.G. |
| Mr. C. E. Clarke | Dr. Kasiruddin Talukdar |
| Mrs. Labanyaprobha Dutt | Mr. Md. Taufiq |
| The Hon'ble Mr. Abdul Gofran | Khan Sahib Maulvi Wahiduzzaman |
| Khan Bahadur A. M. Shahoodul Haque | Haji Md. Yusuf |
| Khan Bahadur Sir Md. Azizul Haque | |

The Ayes being 10 and the Noes 31 the amendment was lost.

**Mr. BIJOY SINGH NAHAR:** I beg to move that in the Schedule of the Bill, the following be deleted, namely:—

"1946 VI..... The Bengal Special Powers Ordinance, 1946".

Sir, this is the most dangerous of the ordinances that have been brought forward before the Legislature. We know that this ordinance was passed at a time when the war was going on and to save the Imperialist Government such an ordinance was necessary in their own interests. But that period of emergency has gone away and we do not require it further to save any Imperialist or any person or policy to maintain such a black ordinance. We know what happened to the makers of these ordinances; we protested at the time against such ordinances and we wanted them to quit India and the time has come now when they are to quit. I would warn the Government that if they persist in the policy of such ordinances they will have to pay very dearly for that and it is no doubt that they will have no existence here within a short time. The Government want to rule by ordinances, by force. Sir, the rule of force has failed, the war has proved that rule by force no longer pays and it must die. This ordinance is nothing except rule by force. We find that this ordinance is meant to maintain essential commodities to safeguard prejudicial acts for public safety and order and so on. The following articles have been mentioned under essential commodities—food, water, fuel, light, power and any other thing essential for the communities which have got to be maintained and safeguarded.

Sir, what is the fear that these essential commodities are in danger of being..... (Here the honourable member stopped speaking).. ...

**Mr. PRESIDENT:** Go on Mr. Nahar.

**Mr. BIJOY SINGH NAHAR:** How can I go on, Sir, when the Chief Minister is talking with you and not hearing what I am saying. It is the duty of the Chief Minister to hear... ..

**The Hon'ble Mr. H. S. SUHRAWARDY:** I do not care . .

**Mr. BIJOY SINGH NAHAR:** You should care... .

**The Hon'ble Mr. H. S. SUHRAWARDY:** Nonsense...

**Mr. BIJOY SINGH NAHAR:** Sir, I strongly protest against the remarks of the Chief Minister. He said nonsense. Is he entitled to say that? Is it parliamentary?

**Mr. PRESIDENT:** Order, order. The proceedings of the House should be carried on with decorum and with mutual courtesy.

**Mr. BIJOY SINGH NAHAR:** As I was saying, Sir, this Ordinance is an ordinance by which the Government want to rule by force. We find in section 2 of the Ordinance mention of the special commodity. It says essential commodity means food, water, fuel, light power or any other thing essential for the existence of the community which is notified in this behalf by the provincial Government". Then, Sir, it is provided in the next clause that "to cause disaffection among, or to prejudice, prevent or interfere with discipline, health or training of or the performance of their duties of public servants ..... ". Why does he want power like that? Does he fear that there would be interference with the duties of the public servants? On the other hand time has come when every one should allow the public servants to do their duty so that the administrative work may be smoothly carried on. But why should we then have such an Ordinance in which somebody may come and interfere. Then, Sir, what has the health of the public servant got to do with interference. Is there any fear that some officer may be poisoned and it can prevent somebody to give poison to the officer? I think, Sir, the whole thing has been copied out from the Government of India Ordinances. Then, in section 2(*f*) it is stated—"to

cause or produce, or to instigate or incite, directly or indirectly, the cessation of work by a body of persons employed in any place of employment in which one hundred persons or more are normally employed", etc., etc. We find that now-a-days there are labour movements. There may be strikes on account of grievances. Does he want to say that by this Ordinance he will control strikes—does he think that the labourers should not have any right to have their own condition improved and their prospects in life bettered? Does he want to control the labour movement by this Ordinance? Does he want that there should not be any grievances of the labourers and they will submit to everything that their employers do? The labourers have a right to exist: they have a right to live like men and not like so many slaves as was previously the case in the old regime. The time has changed and we do not want our labourers to be what they were in the past. Next, Sir, Chapter II provides for the prohibition of prejudicial acts, publications and communications. Does the Hon'ble Chief Minister fear that there will be civil war? Does he fear that there will be civil war against the present Ministry and he wants to safeguard the present Ministry by these Ordinances? Well, Sir, if there is civil war this Ordinance would not help him in any way. This ordinance would not help him if the people really rise and revolt against the tyranny of the present Ministry. If the people realise that they will be ruled by Ordinance they will always come and protest and rise against the Ministry in spite of your Ordinances, bullets and gun shots.

They have shown that they can rise against these things and I warn you that they will do it again in future if occasion arises. The ordinance says "No person shall, without lawful authority or excuse, (a) do any prejudicial act. " I do not understand what it means by the words "without lawful authority". Does the Government sanction any prejudicial act by their lawful authority or what? Does Government mean that they can allow any person to do any prejudicial act by lawful authority? do they allow certain persons to do prejudicial acts and prevent others from doing the same? There is no sense no head or tail in it. Section 7(1)(b) says ". make, print, publish or distribute any document (2) The author, editor, printer and publisher of, and any person who otherwise makes or produces any prejudicial report " We have seen how far the Government have been able to control these things. Whenever they had tried to control they failed. There were leaflets distributed unauthorised literature was distributed. Now, Sir, at that time we were fighting against bureaucracy to drive the foreigners out. We wanted to rule ourselves. If you now want to introduce this ordinance you will further incite them. We know the Government which rules least rules best. The country which is least ruled is the best country.

It seems that by this ordinance you want to create an atmosphere that something is going to happen. Sir, Chapter II deals with public safety and order. Section 10(1) says "The Provincial Government may, for the purpose of securing the public safety, or the maintenance of public order, by general or special order, prohibit, restrict or impose conditions upon, the holding of or taking part in public processions, meetings or assemblies" Sir, I do not see any argument in introducing things like these. In the Punjab the Muslim League Party wanted to remove section 144, they agitated and they have been successful. Here we find the same party wants to continue section 144 or restriction of civil liberties. This is most shameful and scandalous. We strongly deprecate things like these. Not only that, in sub-section (2) it says even in private places you cannot hold a meeting.

Sir, this is another clause which is very dangerous. It might be that in one place people have gathered to express their views against the present rule of the Government or some misdeeds of the Government or Government officers and they want to express their views or where necessary to bring

their views before the Government. But the officer in charge of the place, if a whim comes to his mind, that this will go against him personally or some other officers he will go and interfere with the gathering; he may not allow the people to assemble at a place to express their views even before the Government. So, Sir, this is a most dangerous clause. I do not know whether our friends on the opposite side have had ever gone through these ordinances; otherwise they would have forced their Ministry not to place this ordinance before any legislature. This is a shameful ordinance placed before this Legislature. The next point is Sections 11 and 12—Unlawful Drilling and Unofficial Uniforms. They want to control the drills which were unlawful. Sir, these drills and uniforms were thought unlawful at the time of the war because the British Government in India did not want that any other party or body should have their own people, should have their men trained or uniformed because they might come and represent the military or have their own military. But now we find that many parties, many associations are having drills, scouting organisations and other things. You want to ban these things by these clauses. Sir, what happens to-day? We find that the Muslim National Guard is having drills and parades in uniform, similar to those uniforms of the military, in the public streets of Calcutta. Do you want to stop this or do you want them to continue? If it is in the mind of the Ministry that they want to allow the Muslim National Guard to continue as it is and there may not be any other party or any other organisation, Sir, we on this side of the House strongly protest against this if there be any such thing in the mind of the Government. If there is no such thing in their minds why these clauses 11 and 12? Clauses 11 and 12 say that you should not have any uniform like the military or any drill. Is it because you want to ban the Scouts and other things? The Government may or may not recognise that the people want their youngsters to learn drills. You are doing it; others are doing it. Why do you want to stop them? I hear the Chief Minister say that I want to talk out. I am not talking out. He is talking out. I am very briefly commenting on the clauses that I find here and you should have patience to hear me.

Next comes clause 13. It is also a very big clause. It gives power to require the assistance of certain persons. It reads "Any officer of Government authorised in this behalf by general or special order of the Provincial Government may, within such area as may be specified in the order, require any male person in that area to assist in the maintenance or restoration of law and order or in the protection of property for such period and in such manner as the officer may direct". Sir, what is this? You want or rather you will force the people to protect this and that property by this law. I cannot understand this arbitrary power. You have your own police and it is the bounden duty of a Government which gets its revenue from the people to give protection and to protect the people and their property. By this ordinance you force the people to protect this or that property. I cannot at least understand any sense behind it and in blindly copying the old ordinance without going through it. And if any person fails to comply with any lawful direction given to him he shall be punishable with imprisonment with or without fine. If any order is given to me, I will say I refuse it and if the Government gives such an order I may refuse it; I may refuse it on personal grounds; on sentimental grounds; I refuse it on political grounds to safeguard some interests of Government. It is really doing harm to me to force on me an order, and for non-compliance of which to imprison me because I am not doing something which is to their interests or which I may be incapable of. Here they have mentioned that they will fine or imprison those who do not carry out their or their officer's order to do a thing. What is this, I ask, Sir? I say that if by these Ordinances, by these Rules, you want to govern the province, you want to have power over the province you will never have it. You cannot imagine to have it.

If the Government so think, they can do many things out of these rules and ordinances but they will have to reap the consequences of such laws which they are now going to enact by force by limiting the time for discussion as we have just heard from the President that we shall have to finish it this day. If the time is short, we cannot properly consider and discuss the bill or see whether it is really in the best interest of the country or against a large section of the people. If the Government think that they will be able to govern in this way, then they are living in the Fool's Paradise. Such ordinances affect large sections of this huge population of the province. If the people refuse to be governed by ordinances you will have no power you may remind yourself of the fact that a very powerful nation is now preparing to quit India. If, in spite of all this you still want to rule by force then you will miserably fail. I would therefore urge upon the Government to have better sense and to rule by love and not by ordinances, with the co-operation of the people, with laws passed by the representatives of the people, and that if ordinances are the sheet anchor of their rule, then they should be thrown out and that is why I urge that this ordinance should be deleted out of this Ordinances Temporary Enactment Bill.

**Mr. PRESIDENT:** Amendment moved that in the Schedule of the Bill, the following be deleted, namely:—

"1946 VI—The Bengal Special Powers Ordinance, 1946".

**Mr. LALIT CHANDRA DAS:** Sir, I rise to support the motion of my friend, Mr. Nahar that the Bengal Special Powers Ordinance be deleted. Now, Sir, some of the members of the Government party were seen to be jubilating over some of the provisions of this ordinance and we are sure that when this particular issue goes to vote they will support the Government and give their vote for this ordinance. But, Sir, they can vote for it only under one conviction and that certainty is that none of the provisions of this law will ever be applied against any member of the Muslim League party. It is only that belief, Sir, that could induce sensible persons to give their vote for such a drastic measure as this.

Sir, a new situation has arisen in India, and the situation is that the British Government is going to quit India and transfer power either to the Central Government or to the existing Provincial Governments or to some areas where they think fit and proper. Sir, this is the situation Now, the Muslim League Government is going to take powers in Bengal under the Bengal Special Powers Ordinance, powers which are so drastic that if it suits their convenience and interests they will apply them against the party which is in opposition, and that party which is in opposition is the Congress Party, a party which is other than the Muslim League party. We want to know the attitude of the League towards the non-Muslims, as to whether as a matter of fact they will share power with them; this is what we would like to know. We know that quite recently the Hon'ble Chief Minister had been to Rajshahi where he himself expressed that one party rule should not go on in the way in which it is going on in Bengal. There should be a Government of all parties This is not all. We want something more. What we want I may say categorically here. We want to know whether this Government will apply the provisions of the Special Powers Ordinances against us. That is a thing we want to know. It is not enough for the head of the Muslim League Party or the Chief Minister to say that they are not against all-party Government. We want to know whether Government is prepared to shed its colour of communalism, we want to know whether the Government is prepared to give a goby to communalism. We want to know whether his party or his Government is prepared to accept joint electorate instead of separate electorate just to bring the two opposite parties together. We demand.....

**Mr. PRESIDENT:** Mr. Das we are not discussing the general policy here. I hope you will confine your arguments to the amendment before the House now.

**Mr. LALIT CHANDRA DAS:** It is for the purpose of explaining why we are opposing the Bengal Special Powers Ordinance it is necessary for us to ask the Chief Minister all these questions. If a straightforward satisfactory answer is given by the Chief Minister with regard to the points I have given, then there is some chance of the passing of these provisions. We should like to have a definite answer from the Chief Minister. We want to know whether there will be any change of heart. Take for instance we want to know whether instead of communal Government there will be an all-party Government representing equal number of League and non-league parties. Whether the Chief Minister should be appointed alternatively from League and Congress and whether there would be joint electorate? Whether all appointments in the public service should be filled by competitive examination conducted by a non-communal independent Public Service Commission. Then, Sir, we want that Bengal should remain a part of the unified Central Government. We want to know if this Government would yield to these points. We want to know whether this special powers ordinance should be enforced. For instance we want to know whether it would be possible to take out procession or to hold meetings to ventilate the grievances of the political parties. Will this Government allow the Opposition these facilities? Now, Sir, the time is very important and we should not lose a moment, we want to know whether if we hold meetings and take out processions will this Government let loose upon us their police officers and military? Under section 18, power of detention has been given to the police. It is a very general power and the police can detain anybody and arrest anybody and harass him if they like. These are, Sir, very dangerous provisions. There are many such drastic provisions in the Ordinances and we should like to know whether they will be enforced on us if we take out processions and hold meetings in order to criticise any acts of this Government or demand our rights in view of the coming events. There are some other points but those points have been dealt with by Mr. Nahar. I would however refer to section 15 of the Bengal Special Powers Ordinance which says—"If any persons when required by or under any of the provisions of this Ordinance makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false or not true, in any material particular, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both".

Now, Sir, this is a very dangerous provision. In the Indian Penal Code there is one such provision in regard to the making of false statement after taking oath in a court of justice. Suppose a police officer takes a statement and it enters into his head that the statement is not correct then the man who gives such a statement runs the risk of prosecution and may have to go to jail for a period which may extend up to three years. Now, is any body safe under this section 15? Mr. Nahar has referred up to section 13. He has not mentioned all these things. Under section 18 again we find "Any police officer not below the rank of Sub-Inspector, or any other officer of Government empowered in this behalf by general or special order of the Provincial Government, may arrest without warrant any person whom he resonably suspects of having acted, of acting, or of being about to act,—

(*a*) in a manner prejudicial to the public safety..."

Sir, is not this provision very dangerous? Not only by this section and by other sections also the present Government may put to jail a body of persons leading an agitation but it may prevent the press also which is the defender of public rights and liberties from publishing any such thing.

By sections 7, 8 and 9 they can gag the press. Sir, should the press be gagged at a time when great changes are ahead, when the press should voice the feelings of the public? Under section 9 the power to impose censorship has been given. Under sections 7 and 8 even true information cannot be published for the simple reason that Government may think that that will be prejudicial to public safety—a convenient expression to cover many acts of omission and commission of the Government. Sir, the executive should not be armed with more powers than are absolutely necessary. Ordinary laws are enough for them. They have enough power to suppress the Hazongs in Mymensingh or to shoot the students in Calcutta, or in the Tebhaga movement. They did not require these extraordinary ordinances for that. They are doing all these things under the ordinary laws. If this is passed we suspect, and very reasonably too, that this ordinance will be used against the political opponents of the present Government. Otherwise I cannot for a moment think how the supporters of Government are going gladly into the lobbies to vote for the continuance of this ordinance. I submit that the Executive should not be given any more powers than are absolutely necessary. They have already got wide powers sufficient for the purpose of carrying on the administration. I submit again that at such a time—at such a tremendous time—when we are passing through a period when the history of a nation is going to be made this executive Government which is so hostile to the political aspiration of another party should not be given the powers envisaged in this ordinance

With these words, Sir, I support the motion.

(Mr. BIREN ROY rose to speak).

**Mr. PRESIDENT:** You will not take long I believe.

**Mr. BIREN ROY:** I shall be very brief, Sir. I shall take about three minutes. I want to put a question to the Hon'ble Minister in charge of this bill. He stated before that it was on the directive of the India Government that this continuing ordinance practically is being brought up before this House. Why our Mr. Suhrawardy, the Chief Minister, is so weak and submissive to the Central Government on this aspect? Why, when he knows he has power enough—and he stated in this House on a previous occasion that he is preparing for Pakistan to fight the Congress and the British alike, he needs to be armed with the Special Powers Ordinance which was necessary during the war? It is not necessary any longer. If it is necessary even being a majority party which leads, to stifle us or gag us members of this side of the House, then I think the Government is very much mistaken. He wanted our goodwill and co-operation and we again appeal to the Chief Minister why do you submit to the Central Government now? You can protest saying that we do not want to be armed with any such thing. We are in a majority and we are popular, we can continue our rule with the goodwill of the people and we need not be armed with special Ordinances. My friends Mr. Das and Mr. Nahar have explained in detail the various provisions in the clauses of these ordinances. So I am not going into the details. I would submit to him to withdraw this ordinance from the purview of this extending Bill.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I believe that all Provincial Governments have armed themselves with similar powers.

**Mr. PRESIDENT:** Order, order. As the discussion is not yet complete I propose to adjourn the House now till 8 p.m. to-night as the Bill has got to be finished, and the other House is to meet here within a few minutes.

**Mr. LALIT CHANDRA DAS:** To this I beg to say that it will not be possible for us to come again.

*(Adjournment.)*

The Council then adjourned till 8 p.m. the same day.

*(After adjournment.)*

**Mr. LALIT CHANDRA DAS:** Mr. President, Sir, Permit me to make a statement. I think you will be able to finish the business very soon.

Sir, I am constrained to lodge a definite objection to the procedure that has been adopted by the Chair in muzzling the public opinion and stifling the voice of the Opposition in respect of the black Bill which seeks to legalise the arbitrary and the executive orders of the Government in the form of an omnibus Act. An attempt has been made to legalise ten arbitrary black ordinances which are calculated to interfere with the civil liberties of the people and to perpetuate a reign of terror in Bengal by giving legal sanction to those ordinances. As a representative of the people and on behalf of the Congress party which I have the honour to represent here, I owe a duty to myself as well as to the people of Bengal to ventilate these grievances and protest against the high-handed actions of the Government in attempting to rush through this lawless Bill in a manner prejudicial to the best interest of the people at large.

Moreover, the Congress party has heretofore co-operated in the normal business of the House. But we are painfully surprised to find that the Chair in contravention of the established canon of justice, has fixed up a night sitting of the House without consulting the Opposition, specially with the avowed object of rushing through the Bill in an indecent haste at the behest of the Government And moreover we are considerably handicapped for lack of transport facilities caused by the continued strike of the tram and continued overcrowding of the vehicular traffic, manifestly due to the apathy and incompetence of the administration Sir, you gave a definite understanding to the Secretary of our party that there would be a continued sitting this afternoon until the business was finally disposed of, but curiously enough, without consulting the Opposition you changed our opinion and suddenly adjourned the House to 8 o'clock tonight in order to accommodate the Government in their anxiety to get this black Bill passed.

Under these circumstances, we regret we cannot take any further part tonight in the proceedings of the House and we therefore withdraw under protest.

**Mr. PRESIDENT:** Mr. Das, will you kindly resume your seat so that I may say a few words?

**Mr. LALIT CHANDRA DAS:** But, Sir, we are withdrawing.

**Mr. PRESIDENT:** But before you withdraw, please hear what I propose to say. You can withdraw if you like, but I hope you will be good enough to hear me first.

**Mr. LALIT CHANDRA DAS:** Sir, my party members are insisting and therefore I am afraid I cannot oblige you. My party members are urging me to withdraw.

**Mr. CHOWDHURY MOAZZEM HOSSAIN:** They are terribly afraid, Sir.

(The Congress party then withdrew from the Chamber.)

**Mr. PRESIDENT:** Order, order. I think I owe it to the House to explain the whole position. It was never the intention of the Chair to muzzle the opposition. I am sure every member of the House will agree with me that the Opposition has been allowed the utmost facilities in moving motions, in supporting and speaking on amendments I made it abundantly clear that if the House did not finish the Bill by 4-15 p.m. this

afternoon it would be necessary to sit again and it was well known to the members of the Opposition that the sitting of the other House intervenes, so naturally we would have to sit after the sitting hour of the other House was over. It is the duty of the Chair to see that the business of the House proceeds. The Chair is not in any way interested in the result of the vote or the discussion, i.e., whether the Bill is accepted or defeated. But it is definitely the duty of the Chair to see that the proceedings of the House are not hampered in any way, and taking into consideration the convenience of all parties, the Chair fixed 8 o'clock for re-assembling of the House. May I now have the opinion of the Hon'ble Home Minister whether we should proceed with the Bill tonight in the absence of the Opposition or give the Opposition an opportunity to come back?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I fear I must adopt the view that we should proceed with this Bill and finish it in the course of this evening. It is unfortunate that the Opposition have thought it advisable to withdraw from the House, but it was clear to us that they were adopting and intent on adopting delaying tactics in order to delay the passing of the Bill. You can see, Sir, from the speeches that were being made on amendments that some members were speaking in a manner which shows that they were not serious but they were taking a great deal of time in the course of their speeches. If I have felt at all that their withdrawal was justified, or if I felt at all that I had in the least stopped them from speaking, I would under the circumstances have most certainly requested you to adjourn the House and give them another opportunity to come back. But apart from the fact that the Bill must go to the other House and must receive the assent of the Governor-General and be published in the Gazette before the 17th of this month—and we have very little time to do that—apart from that fact, I feel that enough has been said on the floor of this House in respect of each of these items and the Opposition has gained its object and nothing really would come out of it if the meeting is suspended till another day and the Opposition is given a further opportunity to discuss the matter. I therefore feel that in the circumstances I will humbly request you to proceed with the Bill.

**Mr. PRESIDENT:** I quite appreciate what has been said by the Hon'ble the Home Minister but at the same time I would just like to know if we take up this Bill tomorrow morning and try to finish it, will there be much difficulty in getting the assent of the Governor-General in time. I think still there would be 5 clear days available for the purpose.

**The Hon'ble Mr. H. S. Suhrawardy:** Sir, it has to be printed by the 16th and it must be published on the 17th March. Tomorrow is 13th and there is no certainty that the Opposition will not adopt the same procedure as they adopted today, namely, three or four members will speak for long hours and repeat the same arguments on each of these amendments. There is no guarantee that the Bill will go through tomorrow. As a matter of fact, you, Sir, found yourself, if I may presume to say so, absolutely helpless today before them when they insisted on speaking as long as possible on each of these amendments although it was quite clear that they were repeating the same things over and over again. It was very clear that they were not prepared to deal with this subject, if I may say so, in a co-operative manner. They knew that it would embarrass the administration considerably if they could somehow or other impede the passage of the Bill and make it difficult if not impossible to get the Governor-General's assent on it in time. Their purpose for the last few days has been nothing else but to drag on the consideration of this Bill. These are the facts, Sir. If you adjourn the House till tomorrow there is no guarantee that the Bill will be passed tomorrow.

**Mr. PRESIDENT:** It is true that there is no guarantee. I quite agree. But don't you think that the Opposition should be given another opportunity to co-operate. I will just request you to consult the administrative officers whether it is absolutely impossible to get the assent in time if the Bill is finished tomorrow.

**The Hon'ble Mr. H. S. SUHRAWARDY:** The position is difficult Because if it is actually passed tomorrow by this House it will go to the Assembly before it can be forwarded for assent. Only if it is passed at any time before the Assembly meets it would meet the situation. If you are, Sir, so very, if I may say so, inclined to give them another opportunity, may I suggest that the House may meet tomorrow at 9 or 10 o'clock so that even if they adopt dilatory tactics or dilatory measures we can continue after lunch?

**Mr. PRESIDENT:** I think that is a very good suggestion and I am inclined to accept it that we adjourn the House till 10 o'clock tomorrow in the morning and go on with the Bill.

**The Hon'ble Mr. H. S. SUHRAWARDY:** If you feel so inclined, I will have no objection.

**Mr. PRESIDENT:** All right. The House stands adjourned till 10 o'clock tomorrow morning.

### Adjournment.

The Council then adjourned till 10 a.m. on Thursday, the 13th March, 1947.

### Members absent.

The following members were absent from the meeting of the Council held on the 12th March, 1947:—

(1) Mr. L. P. S. Bourne,
(2) Mr. Kamini Kumar Dutta,
(3) Khan Bahadur Shaik Fazal Elahi,
(4) Mr. Mungturam Jaipuria,
(5) Khan Bahadur Alhadj Shaikh Mahammed Jan,
(6) Mr. Humayun Z. A. Kabir,
(7) Alhadj Yar Ali Khan,
(8) Mr. Syed Abdul Majid,
(9) Mr. Nagendra Nath Moholanobish,
(10) Mr. T. B. Nimmo,
(11) Dr. Kumud Sankar Ray, and
(12) Mr. Charu Chandra Sanyal.

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# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947—No. 17.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 13th March, 1947, at 10 a.m., being the seventeenth day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

### The Bengal Ordinances Temporary Enactment Bill, 1947 (as passed by the Assembly).

**Mr. PRESIDENT:** Yesterday we were discussing amendments Nos. 11 and 11A. Yes, Mr. Roy.

**Mr. PATIRAM ROY:** মাননীয় সভাপতি মহাশয়, শ্রদ্ধেয় বন্ধু বিজয় সিং নাহার মহাশয় যে প্রস্তাব করেছেন আমি তা সমর্থন করছি। এই Houseএ Bengal Ordinance Temporary Enactment Bill, 1947, সম্বন্ধে বহু আলোচনা কয়েক দিন ধরে হ'চ্ছে। দেখা যাচ্ছে যে এই Ordinanceটীর সময় বৃদ্ধি করার জন্য যে বিল আনা হয়েছে সেটা কম ক'রে অল্প সময়ের মধ্যে পাশ ক'রে নেওয়ার জন্য খুব বেশী চেষ্টা হ'চ্ছে। বাংলা দেশে বাঙ্গালী জনসাধারণের সরকার কর্তৃক জনসাধারণের তৈয়ারী আইন দ্বারা দেশ শাসন এবং পালন করার পক্ষে এই Ordinance করা একটা প্রহসন এবং Ordinanceকে special বলা যেতে পারে। আবার তার উপর সেই Ordinanceএর উপর Special Power Ordinance Act পাশ করা ততোধিক প্রহসন। আবার এমনিভাবে একেবারে কতকগুলি Ordinanceএর বোঝা চাপিয়ে সেটা এখন আইন সভার খানিকটা অনুমোদন নিয়ে সময় চাওয়া—এও দেখা যাচ্ছে খানিকটা special প্রহসন করা। যেগুলি করা হইয়াছিল Ordinance, তাহা আবার আইন সভার অনুমোদন চাওয়া হচ্ছে সময় নেওয়ার জন্য। প্রত্যেক Ordinance বা আইনের মধ্যে বিভিন্ন বিষয় থাকে.....

**Mr. PRESIDENT:** Mr. Roy, we are not discussing the general principle of the Bill now. You come to the amendment.

**Mr. PATIRAM ROY:** আমি special power সম্বন্ধে বলছি। Special Power Ordinance—সেটা আবার specially ধরা হচ্ছে তাড়াতাড়ি করার জন্য। বরাবর meeting হয় ২-১৫ মিনিটের সময় কিন্তু আজকে meeting হ'চ্ছে ১০টার সময়। এটাও খানিকটা special করা হ'চ্ছে। তাই এই সব সম্বন্ধে আমরা এই Special Power Ordinanceএর আমলে পড়ে বহু তিক্ত অভিজ্ঞতা লাভ করেছি। যে বিল সম্বন্ধে শত রহস্য কথা বলা যেতে পারে। আজ আমি এখানে তার কয়েকটা মাত্র বলব এবং মাননীয় মন্ত্রী মহোদয়কে অনুরোধ করবো যে এখন আর এই Special Power Ordinance বিলের আবশ্যকতা নেই। আমরা এ সম্বন্ধে বহু অভিজ্ঞতা অর্জন করেছি। এখন আর এটাকে আমাদের ঘাড়ের উপর চাপিয়ে না রাখলে ভাল হয়। এ কথা বহুবার বলা হয়েছে যে এই Special Power Ordinance প্রচার করা দরকার ছিল হয়ত যখন দেশে যুদ্ধ চলছিল। এখন সেটা আর চালাবার দরকার নেই। একথা খুবই সত্য এবং তা সত্ত্বেও যদি সেই Special Power Ordinance চালাবার কামনা নিয়ে এই বিল আনা হয় এবং এর পর কতদিন চালান হ'বে তার যদি কোন পরিষ্কার declaration না দেওয়া হয় তা হ'লে কিন্তু আমাদের মনে সতত ভয় হয়। এবং আমরা মনে ভাবি আর কত দিন আমরা এইভাবে আশঙ্কার মধ্যে কাটাবো এবং আর কত দিন বা এই Ordinanceএর কবলে পড়ে থাকবো।

দেশবাসীর দৈনন্দিন জীবনযাত্রার জন্য যা'কিছু দরকার যদি তার প্রত্যেক জিনিষটা এমনিভাবে Control করে রাখা হয়, এমনিভাবে প্রত্যেকটা জিনিষ পেতে গেলে বিভিন্ন লোকের কাছে অনুরোধ, উপরোধ বা খোসামোদ করে পেতে হয় তা' হ'লে দেশবাসীর জীবনযাত্রা নির্বাহ করা ভার এবং দুর্বিসহ হয়ে পড়ে। তবু কেন জানি না এ Ordinance আরও কিছু দিন চালানোর প্রচেষ্টা চলছে। এর মধ্যে জানি না কোন দলগত স্বার্থ আছে কিনা। জানি না কোন দলের কোন উপকার সাধিত হ'চ্ছে কিনা। সাধারণভাবে দেখতে পাই আমাদের যে সব জিনিষ দরকার আমরা আবশ্যকমত তা পাই না। আমরা অনেক ক্ষেত্রে দেখেছি, খাদ্য এবং অন্যান্য আবশ্যকীয় জিনিষ যথেষ্টরূপে control করা হয়েছে, যার ফলে black issue হয়ে যাচ্ছে,

permit পাওয়া সত্ত্বেও বাজারে হয়ত সে জিনিষ পাওয়া যায় না। যদি কোন জিনিষ control করা হয় এবং আবশ্যকমত সে জিনিষ না পাওয়া যায়, তা' হ'লে স্বতঃই বোঝা যায় তার মধ্যে ঘুষ ও আরও নানা রকম অনাচার চালাবার সুযোগ-সুবিধা এই সমস্ত আইন দ্বারা করে দেওয়া হয়। আমি জানি যারা হয়ত বহু চেষ্টা করে একটা বাড়ী-ঘর করার চেষ্টা করছে তাদের সামান্য কিছু ইট করার কয়লা যোগাড় করতে গেলে পর এমন সমস্ত রাস্তা দিয়ে আসতে হয় যে, যে টাকা সে অতি কষ্টে যোগাড় করেছিল তার বাড়ী তৈয়ারী করবার জন্য তার অর্দ্ধেক টাকারও বেশী সামান্য কেরাণীদের ভিতর ঘুষ দিয়ে কয়লার জায়গা পর্য্যন্ত পৌঁছিতে পারে কিনা সেটা সন্দেহ। তাই এই যে অবস্থা, যদি এই দুরবস্থার ভিতর দিয়ে আমাদের আরও কিছু দিন চালিয়ে নেওয়া হয় তা' হ'লে বলা যেতে পারে যে, যেমন একটা চোখ বাঁধা বলদকে ঘুরায় তেমনিভাবে আমাদেরও এখানে চোখবাঁধা বলদের মত ঘুরিয়ে নিয়ে যাওয়া হ'চ্ছে মাত্র; তা'ছাড়া আর কিছু নয়। বাংলার আবালবৃদ্ধবনিতা সকলকে এই খাদ্যদ্রব্য এবং অন্যান্য আবশ্যকীয় দ্রব্য পেতে যে দুর্ভোগ ভোগ করতে হয় তা' বোধ হয় এই House এর সকলে অবগত আছেন এবং সকলে ব্যক্তিগতভাবে বা জ্ঞানগতভাবে তাদের চোখের সামনে যে বহু লোক অভাব ভোগ করছে তা প্রত্যক্ষ করছেন, অথচ জানিনা আজ কেন এবং কি কারণে এখানে এই Ordinance কে আরও কিছু দিন রাখবার জন্য এক দল দয়া করে তার সহায়তা করছেন। আমরা জানি আজ হয়ত এই বিল ভোটের জোরে পাশ হয়ে যাবে। হাঁ ভোটের জোরে পাশ হতে পারে। কিন্তু আমি এ কথা বুঝতে পারি না যাঁরা ভোট দিচ্ছেন তাঁরা প্রত্যেক দিন এই বিলের অত্যাচার এবং করাল কবলের মধ্যে পতিত হয়ে আছেন অথচ তাঁরা এই House এর মধ্যে আসলে কেন তাঁরা বিলের পক্ষে ভোট দিতে চলে যান। House এর বাইরে গেলে প্রত্যেকেরই আজ হয়ত খাওয়ার অভাব হল, কাল হয়ত কয়লা পেলাম না, পরশু দিন হয়ত আর একটা কিছু পেলাম না—প্রত্যেকের মুখেই এই কথা শুনা যায় অথচ কেন জানি না এখানে আসলে পর তাঁরা সেই বিলের পক্ষে আবার ভোট দেন। এই Ordinance যদি withdraw করা হয়—যদি আজ এই বিলের মধ্যে Special Powers Ordinance delete করা হয় তা হলে আমাদের কি ক্ষতি হোতে পারে? যদি কোন কারণে কোন সময় এটা দরকার হইয়াও থাকে তবে এ কথা আমি জোর করে বলতে পারি, বর্ত্তমানে তার আর কোন দরকার নেই। যদি কোন সময় দরকার হয়, তখন আবার একটা Ordinance করা যেতে পারে। Ordinance গুলির অন্তর্বর্ত্তী বিষয় যদি আজিও আইনে রাখার আবশ্যক থাকে তবে এমনই করে আইন সভার সদস্যগণের অনিচ্ছাকৃত অনুমোদন না লইয়া, যখন ১৩।১১।১২টা Ordinance করতে পারা গিয়েছিল তখন আজ আর একটা Ordinance করে কার্য্য বা উদ্দেশ্য সমাধা করলেই হইত। আমাদের সামনে এই বিল না আনলেই হত। গভর্ণর বাহাদুর Ordinance করে দিলেই ত চলে যায় যখন যেটা দরকার।

এটা করাতে যেমন খাদ্যদ্রব্য এবং অন্যান্য জিনিষ পেতে ভোগ হচ্ছে তেমনি আমাদের জীবনে কোন কাজ করার সুযোগ-সুবিধা আর নেই। দৃষ্টান্তস্বরূপ আমি বলতে পারি আইনের জোরে meeting করা বন্ধ করা যেতে পারে। Meeting করতে গেলে permission নিতে হয়। এই permission নেওয়ার ভার থাকে একজন অফিসারের হাতে। অফিসার তিনি মানুষের বাইরে নন। তাঁহাকে বলা যেতে পারে না যে তিনি সর্ব্ব গুণান্বিত অথবা তাঁর নজর কোন খারাপ দিকে যায় না। আমরা দেখেছি এক জায়গায় এক অফিসার হয়ত একটা meeting এর permission দিচ্ছেন না, আবার সেই জায়গায়ই দেখা যায় আর একটা তেমনি ধরণের meeting অথবা তার চেয়ে ক্ষতিকর মীটিংএর permission দিচ্ছেন। নিজের দলের meeting হ'লে তা ভাল মন্দ বিবেচনা না করেই permission দিয়ে দেওয়া এই যদি অবস্থা হয় তা'হ'লে আমাদের কাজ করার সুযোগ-সুবিধা থাকে না। এইভাবে যদি আইন হয় তাহ'লে এই যে permission দেওয়ার অব্যবস্থা এটা যে হওয়া খুব অস্বাভাবিক তা আমার মনে হয় না। প্রত্যেক মানুষের তার হয়ত নিজের মতের লোক থাকে, তার নিজের একটা দলও থাকে। আমরা দেখতে পাই এমনি অবাধিত-ভাবে meeting চলে যাচ্ছে, permission পাওয়া যাচ্ছে অথচ আর একটা ক্ষেত্রে কিছুতেই আর permission পাওয়া গেল না। তাই এই অবস্থা যদি এখনও রাখা হয় তাহ'লে আমাদের কাজের কত ক্ষতি হয় এটা সকলের বিশেষ বিবেচনা করা উচিত। এর পর যে সমস্ত বিষয় এই Ordinance এর মধ্যে লিপিবদ্ধ আছে সেগুলি প্রত্যেক দিন আমাদের জীবনযাত্রার পথে অত্যন্ত দরকার অথচ আমরা এমনিভাবে সেইসব বিষয় ভোগ করছি এবং আর আমাদের কাজে আদৌ অগ্রসর হ'তে পারছি না। তাই আমি এই কথা বলে আমার বন্ধু মিঃ নাহার যে motion এনেছেন তার সমর্থন করছি।

**Mr. NAGENDRA NATH MAHALANOBISH:** Mr. President, Sir, I beg to support the motion to delete the Bengal Special Powers Ordinance, 1946, from the list of the Ordinances which is going to be continued. Now, Sir, this ordinance practically takes away all civil rights and liberties of the people. If you, Sir, carefully go through the ordinance you will be satisfied that anything and everything that a man might honestly and conscientiously do can be brought within the mischief of this ordinance and it is going to

be continued for several months more. Before we consider why this ordinance is sought to be maintained we would certainly want to be satisfied from the Hon'ble Minister as to what are the particular reasons, what are the circumstances which impelled the Government to continue this particular ordinance, what are the circumstances in the country that have arisen which compel them to continue this. On the 30th September when this ordinance was issued the position was, so far as I could gather, nothing more than some communal trouble that was practically brought into the politics of Bengal by the action of the Muslim League through the unfortunate Direct Action that was sought to be displayed in Calcutta and in other places that caused that trouble and that also caused troubles in other places. One can easily see that if the Muslim League do decide not to create any communal trouble in the country there can be no communal trouble. They being in power in this province, they being practically the administrators in this province, it is they and they alone who by their own act, by their own policy, by their own resolution can at once do away with the trouble that was started in Bengal, on the 16th August and that continued for some time. Is it not extremely easy to stop all apprehensions of communal trouble if this particular Ministry can make a simple declaration that there should not be any communal trouble or that the Muslim League should not act in any way that might provoke the other communities? They can very easily do it. They can very easliy start a movement—an agitation even at Government cost—they can send emissaries to towns and villages saying that on no account anything should be done which would strain the feelings of the different communities. Have they done it? Have they tried in any way whatsoever to ease the communal situation? We see that there has not been anything done save and except one or two communiques that were issued now and then deploring the communal tension in the country. I submit that is nothing. That is not the way in which you can stop communal trouble. If you are really sincere, if you want peace in the country, if you want to avoid trouble, it is your duty by your acts, by your professions, by your speeches, to convince the people that we cannot gain anything by communal disturbances, by communal wranglings and so on and so forth. But instead of doing that, what is the object, what is the idea behind when you want that this Bengal Special Powers Ordinance, 1946, should continue and continue for 6 months or more. I would certainly request the honourable members to go through this Bengal Special Powers Ordinance, 1946, over and again and to see from the definitions therein and its provisions how drastic the definitions and the provisions are, how any ordinary act of a person, how an innocent act can be, by twist of the language in this particular ordinance, brought into the mischief of this particular ordinance. As for instance I would just like honourable members to refer to section 2, clause (3) where "prejudicial act" is defined and if you carefully ponder over these provisions you can easily be satisfied that any act, any speech, any words uttered might be brought within the purview of this clause. I would just give a sample to the honourable members. "Prejudicial Act" means any act which is intended or is likely to cause disaffection among, or to prejudice, prevent or interfere with the discipline, health or training of, or the performance of their duties, by, public servants". Now I ask honourable members to consider what can be got out of this clause. If I just meet a police constable and if I have to protest against some of his acts which I honestly believe to be wrong or improper, well, he can at once say that I am intertering with his duty and that, therefore, I am liable to be entangled under this ordinance. May be that that is not intended and it may be said that the police or the Government will not be so foolish as to prosecute a man for doing that. But that is not the question. The question is that you obtain such a power from this ordinance. If you like you may use it against an honest citizen in the way in which I am suggesting might happen. I submit, Sir, that such an enactment ought not to be in the Statute Book for a minute more, not to speak of months. Why should you have such powers? You the majority party who are governing this

province? The law is in your hands. You direct its administration. You perhaps give interpretation and you can use it if you like to the detriment of the other communities, of the other parties, whom you regard as your opponents. Certainly legislation is not intended to arm the Government for the time being with such powers which they may, at any time, if they so like, use against the other party, against their opponents. I therefore plead for a very serious consideration of the honourable members whether such wide powers should be given to the Government which can be used practically in an arbitrary fashion. Now, if there were no such communal trouble, if there was no such sharp division either in the House or in the country I could have condoned this, that certainly this will not be used by one party against the other. Now if certainly there is a movement, as we find now that the movement or agitation has already started on the question of the partition of Bengal, I am not however to be understood as pleading for partition but I say there is the movement and that movement is growing, now if this particular Government of Bengal do not like this move and if there are public meetings here and there in which that particular move is advocated I submit that if the Government like they can at once stop that movement under this ordinance. They can issue orders upon their executive authorities, the local authorities to stop the meetings or to arrest or prosecute the people who are advocating that because they may say that that will create a commotion, disturbances and so on and so forth. Then, Sir, if you would just refer to another clause of this particular section 2, you will find that "prejudicial act" means any act which is intended or is likely to render any public servant incapable of efficiently performing his duties as such, or to induce any public servant to fail in the performance of his duties as such—is so vague. Sir, God helps those who come in contact with such public servants because anybody who come in contact with such a public servant may be supposed to be disturbing him or in the language of this particular clause, "render him incapable of efficiently performing his duties". Now, Sir, when the public servant is showing his arm and is directing traffic if a man goes to him he may be accused of disturbing him in the efficient discharge of his duties. It may be said that I am going to an extreme length in order to illustrate the absurdity of this legislation, but it is these extreme cases that will actually prove that these provisions are so absurdly wide, that such wide powers should not be given to the Government.

Then, Sir, there is another clause which is equally wide and equally dangerous which also occurs under the definition of "prejudicial act", namely, any act which is intended or is likely to prejudice the recruiting of, or the attendance of persons for service in, any police force or fire brigade or any other body of persons entered, enrolled or engaged as public servants. Then, Sir, to crown all, there is another definition, namely, (*d*), which says that a prejudicial act means any act which is intended or is likely to cause fear or alarm to the public or to any section of the public. Sir, I do not know what would cause alarm in any section of the public. If I say that Bengal should be divided into two halves, namely, Hindu Bengal and Muslim Bengal, and another section says that it causes alarm in its mind, therefore I am doing a prejudicial act and should be prosecuted. I submit that if such a case was put forward before a court of law, I do not know what the defence would be. Therefore they can put forward a person to come forward and say that my statement has caused an alarm in his mind, therefore I have done a prejudicial act and I am liable to three or four months' imprisonment for doing what I should think is quite a legitimate act. Sir, if you go on considering the clauses after clauses of this ordinance you will have absolutely no doubt in your mind that the Bengal Special Powers Ordinance, 1946, which is sought to be perpetuated or continued for sometime more is a negation of all civil rights and therefore Government want to rule according to their sweet will only under the name of an Act of the Legislature. But instead of doing all these, instead of putting all these provisions under the semblance of an Act of this

legislature, let them rather say that all laws and rights in the province should be suspended for another six months and Government would rule in any way it likes.

The next point to which I would like to draw the attention of the House is that this ordinance is going to override all other laws for clause 3 of the ordinance says that the provisions of this Ordinance and of any orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force", etc. So that is the law—ordinance is the law in the country any other law notwithstanding. Therefore those people who might be acting according to a particular law will be told that these laws are abrogated. I do not understand why is it necessary in this province to have the Bengal Special Powers Ordinance as the law of the land for the time being and why do you repeal other laws in favour of this Ordinance. We have not been told why do you want such a wide power for the Government. Now, Sir, if you further consider this Special Powers Ordinance you will find another matter in section 3. In that section it is said—not only provisions of this Ordinance but any orders made thereunder. There is always a reserve power for the Government, not satisfied with that all embracing power taken by the Ordinance. In addition to the ordinance there are special powers reserved with right to promulgate the orders. We do not know what orders are passed and whenever there is anything which would agitate the mind of the people of this country Government may take one view and they may straightaway issue orders under that ordinance, they may make living of a man in his own house illegal. Not being satisfied with the stringent provisions of the ordinance wide powers have been taken for reserving further powers of issuing orders. Such powers should never be given to any Government, not to speak of the present Government of Bengal. Then you will find in Chapter II the method that is supposed to prevent prejudicial acts and you will find along with that the provisions for gagging the press. Even during the war when such drastic measures were taken you did not think it necessary to gag the press. The press were not gagged in the way in which it has been done by this Government after the war and is being sought to be done. I would just like to remind my friends opposite that the gagging of the press does no good to anybody. It is no use suppressing correct news now. By misleading and by suppressing correct news you do encourage rumour mongering and rumours engender a lot of mischief. I can say without any fear of contradiction that many of the unfortunate events at Noakhali, Tippera and other places were due to a great extent the suppression of correct news. If Government wants to administer in the interest of the country they should not in this time try to suppress the press or to gag the press or want the press to suppress the true news from the public. Therefore all these provisions in this particular chapter of the Bengal Special Powers Ordinance are obnoxious to all sense of justice. Then, Sir, the next chapter in this Ordinance is the chapter dealing with public safety and order. You will find from reading it—a casual observer will find that unlawful drilling is one of the objects which the Government want to prohibit. I would ask the Hon'ble Minister as to what they are doing with the Muslim guards. Are they or are they not drilling? I am sure, if I remember aright, the other day in another place the Hon'ble Chief Minister said that that was an organisation which were made for social service and they had to be retained. If that is so cannot the other communities also raise their volunteer corps for social service and drill them? Now, everybody knows under what peculiar position the Hon'ble the Chief Minister finds himself and his party. He is trying to have his own way in having a large number of volunteers in the Muslim League National Guards and he wants at the same time to prevent any other people in this province from organising themselves in the way they are doing. What is his answer to this question? Why do you bring in this question of unlawful drilling in respect of other communities. It is known to everybody that the school boys and the college boys drill and I

think having regard to the transference of power from the British Government to Indian hands in June 1948, it ought to be the duty of every citizen specially young man to drill and to have military training so that in case of foreign aggression we may protect ourselves. Why at this juncture you bring in the question of unlawful drill? What is the motive behind it? We have not heard from the Home Minister what is his object in making drill an unlawful act. With this question of drill comes the question of uniform. Now, Sir, we all know that when boys drill they wear uniforms. What is the idea underlying this whole question? Why is he anxious to have power in this way? If we say that you are doing this with an ulterior motive, with the object of aggrandisement of your own party, you are trying to suppress us, the Opposition, or the members who do not belong to your party, have you any reply to give to this answer? Can it not be suggested that you are doing it with a view to have an undue advantage for your party or for your community much to the detriment of the other communities. What is the guarantee that you will not use things against us. Therefore legislation should be in such a way that even if one wants or the administrators want they may not use the law to the detriment of the other communities, to the disadvantage of the other communities. I would submit that there is absolutely no necessity now to have such mischievous ordinance, namely, the Bengal Special Power Ordinance, 1946. It should not be allowed to continue. With these words. Sir, I support the motion.

**Mr. PRESIDENT:** The Hon'ble Minister.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I have nothing to add to what I have already stated.

**Mr. BIJOY SINGH NAHAR:** Sir, this is a very important matter. We have spoken and in doing so we have raised important points, expressed our and the public outside's apprehensions about these ordinances but the Chief Minister has declined to reply to those points. We really feel the treatment that he is meting out to us by not replying to the points raised.

**Khan Sahib MD. WAHIDUZZAMAN:** I move that the question be now put, Sir.

**Mr. PRESIDENT:** The question before the House is that the question be now put.

The question that the question be now put was put and agreed to.

**Mr. PRESIDENT:** The question before the House is that in the schedule of the Bill, the following be deleted, namely:—

"1946 VI...The Bengal Special Powers Ordinance, 1946."

The question was put and lost.

**Mr. LALIT CHANDRA DAS:** Will you allow me to say one thing. Sir? By rejecting our amendment the Government have passed the inclusion of the Bengal Special Powers Ordinance, 1946, in the Bill whereas we wanted to delete it. We viewed it as a very important and dangerous ordinance and as a matter of fact yesterday I wanted to know certain facts from the Chief Minister what his intentions are with respect to this ordinance and today also my friend Mr. Mahalanobish pointedly put certain questions and really wanted to know the intention of the Government, the attitude of the Government towards their political opponents. As a matter of fact we expected that in this important matter he would make the position clear both for his party and also for us as to where we stand and where he stands. He has not at all replied to them and if this is the attitude.....

**Mr. PRESIDENT:** Mr. Das, I have understood your point. If the Chief Minister did not exercise his right of reply at this stage and did not give you the information you wanted or the assurance you wanted and if he intends to clear up the points at a later stage he can do so at the third reading of the Bill.

**Mr. BIJOY SINGH NAHAR:** Sir, I move that in the schedule of the Bill, the following be deleted, namely:—

"1946 VII...The Bengal Consumer Goods Control Ordinance, 1946".

Sir, before I speak on this I feel constrained to say that we are not at all satisfied with the manner in which the Chief Minister has treated us because, Sir, we on this side of the House want to express our views in these matters which are very important for the purposes of enactment of law and also for the purpose of the future guidance of the country which perhaps were unpalatable to him. We have to make our position absolutely clear to see where we stand and where the members of the opposite side stand. We wanted to make our points clear. We put certain questions during the debate but no reply was given. We are being treated in such a manner by the Chief Minister, Sir. The position is really very ridiculous and we do not feel that we should continue to speak or to continue to be treated in this fashion. But Sir, you have given us to understand that the Chief Minister may say or explain his position during the third reading of the Bill. Let us hope that he will not lose the opportunity of explaining himself at least at that time, Sir. Now, Sir, regarding the Consumers goods we find that this ordinance is going to be made law for the purpose of controlling the production, supply and distribution and for maintaining or increasing the supply of any scheduled commodity a list of which we find on page 4 of the ordinance. There are various articles and those articles, and commodities are being regulated for sale, production and everything, in certain ways. The way is this: Government want to regulate by means of licenses, permits or otherwise, the production of commodities or the control of prices at which they may be purchased or sold, and so on. There are various other regulations for prohibiting or withholding from sale of any scheduled commodity ordinarily kept for sale, etc. These goods are being sold in the market as we find many of them in lumps in the streets of Calcutta. But if you go to a shop to purchase them you to do not find any, because they are not allowed to be sold, whereas in the streets of Calcutta we find huge quantities dumped, specially before the Writers' Building and Dalhousie Square. You will find fountain pens and pencils in huge lots and in large numbers being sold in the streets of Calcutta but if you go to a shop which is licensed or scheduled you will find very few of them, and the reply of the shopkeepers is that they are under control and not to be supplied without permits. So that we cannot get them straightway from the stockists because of this control policy of the Government. This is the way in which these ordinances have been promulgated. There is another very important aspect which relates to the regulation of licenses. Licenses are issued by the Civil Supplies Department. But what is being done? I do not know whether there is any communal proportion or representation therein. But I am afraid that any dealer who wants to take a license is put to various difficulties. The difficulties are well known to many members of this House. I may point out one or two. If you go or apply for a license the main difficulty is that you do not get a license unless you dance attendance not only at the department but also on some influential members of the legislature or of the Government Party and if you cannot persuade the persons in authority you are not favoured with any such license. Next, we find that in giving out a license the department treats different communities in different ways. Whenever a license is required there is misuse of power by the department in such a fashion that we cannot describe in words. They treat the persons as if they have come to them as slaves to ask for favour, as if they are doing some favour to those persons. Sir, the issue of license is not a favour but is meant to control the manufacture, and sale of these things, but these aspects are not being considered whether there would be increase of production or not, whether people are getting these things cheaper or not. That is not their outlook, Sir. Other considerations than purely helping the people come in and thus this misuse of power is going on under this ordinance. The next question is about the

production. May I ask the Hon'ble Chief Minister the mover of this Bill whether by this ordinance they have been able to increase any production or supplies to the consumer? We do not find that these ordinances have really helped to increase productions or increase of supplies to the consumers? We have one example before the House and that is the case of mustard oil. As soon as the mustard oil control was removed we find in a few hours maunds of mustard oil flooding the market. When there was control, we saw long queues of persons waiting for mustard oil. But as soon as the control was removed it was available everywhere. So, Sir, I am sure that if this control is removed we would get things more easily and at a cheap price. One thing more about mustard oil and that is that as soon as the control was removed this commodity was made available in the market in no time. The point is that it was here in certain godowns of certain dealers. But no attempt was made by the Civil Supply Department which is being maintained by the Government at a huge expenditure to detect this unlawful hoarding and bring it out for the purpose of use by the general public. It was in the godowns in Calcutta—I mean the mustard oil that is available now since the abolition of the control—and not brought from elsewhere. It is on account of the inefficiency of the Civil Supply Department that this huge quantity of mustard oil kept locked in the godowns in Calcutta could not be detected or made available for sale to the public. It is on account of their inefficiency that the dealers indulged in black-marketing and profiteering. It is evident that the Civil Supply Department staff is either inefficient to deal with these black marketers or you have employed persons who are full of corruption. In spite of this bad and inefficient management you want control of these goods. Then, Sir, we find that most of these things are for big people—things such as refrigerator, silk and other things. There is also control on crockery and I will give you an example how profiteering and black marketing is going on on this thing. If you go to the market you will find two kinds of crockery imported—plain and with design. Now the control price of plain is half of the price of crockery with designs. What is done by the dealers is that they import plain crockery and have it designed cheaply locally and put double charge for it. Your department do nothing to detect and prosecute these unscrupulous dealers who make a huge amount by this unfair means. Because of the control there is no competition. If the control is abolished these things might be brought from outside in huge quantity and there will be competition with the result that the people will get them cheaper. So, this Control Ordinance on consumers goods should be removed from the schedule. With these words I move my amendment.

**Mr. PRESIDENT:** Amendment moved that in the schedule of the Bill, the following be deleted, namely :—

"1946 VII...The Bengal Consumer Goods Control Ordinance, 1946".

**Mr. BIREN ROY:** Sir, I shall be very brief in supporting the deletion of this Control Ordinance. The purpose of control over the consumer goods is in the public interest and with this object in view these things were controlled during the period of war emergency and here again I would repeat what the Hon'ble the Chief Minister has said, namely, that by the direction of the Central Government he is trying to get this control order continued. It is surprising that some of the Muslim League members of Bengal—I am not speaking of the Muslim League members of other provinces—are at this very moment urging in the Central Legislature like us for the removal of such controls, and perhaps controls over consumers' goods might be revoked. I do not know what would be the attitude of the Hon'ble Minister who is the leader of the League party here in regard to them. Besides, Sir, when goods are controlled in the interest of the public and for equitable distribution, why should there be the necessity of controlling the production of such commodities in the province when there are persons who are willing to and who are now in a position to produce such goods in such quantities

as to be able to supply to the public more of such goods and at a far cheaper and reasonable rate too. There are many consumers' goods which are being produced in this country or being imported and some of them are already surpluses. So why this control? Take for instance the fountain pens which one can get in abundance in the markets. Watches and clocks are being sold at a higher rate and if controls are removed these will be cheaper and available to all. I am not so much interested about refrigerators. These can be controlled in order to conserve the dollar release. But things like plastics and bakelite can be produced here and control over such materials or their raw materials should be withdrawn forthwith. Control should also be withdrawn from ferrous articles, copper, brass, aluminium and other materials which are very necessary for our daily use. There have been many latest scientific discoveries in the field of plastics which if made available to us in Bengal would come to our much relief.

Then there is the question of coconut oil. You cannot get it in the market. Now, Sir, time has come when the Hon'ble Minister should review all such cases where the control should be withdrawn much to our advantage. If he repeals drugs control and consumers' goods control from the operation of this Bill he will be doing a service both to the Hindus and the Muslims alike in this province. By these controls only such persons who are at the helm of affairs are being benefited. They have been fortunate in getting the permits at the very beginning and since then they are manipulating everything.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I gave an undertaking in another place which I am glad to repeat in this House that these Acts will be repealed as soon as the commodities come out to the market. We do not want to control them permanently but there is no doubt about it that the consumer goods are in short supply at present and as far as the future is concerned the prospects of the continuance of supply of consumer goods are somewhat dark. At the same time, Sir, we are examining the position of each article in the Schedule and I would like to assure this House that as soon as we find that the goods are in the market control will be withdrawn but it is necessary however that Government should keep to itself the power to control these goods for fear of shorter supply.

**Mr. BIREN ROY:** Help production here; we shall be thankful.

**Mr. PRESIDENT:** Order, order. The question before the House is that in the schedule of the Bill, the following be deleted, namely:—"1946 VII—The Bengal Consumer Goods Control Ordinance, 1946."

The question was put and lost.

**Rai Bahadur BROJENDRA MOHAN MAITRA:** Sir, I move that in the schedule of the Bill, the following be deleted, namely:—

"1946 VIII—The Dacca Area Security Ordinance, 1946."

Sir, this is another machine for terrorising the people of Dacca. We often hear the theatrical utterances of some of the Ministers including the Chief Minister that in this province the majority community should protect the minorities. We have seen, Sir, the Great Calcutta Killing following the Direct Action Day Fatwa. We have seen the atrocities perpetrated in Noakhali by the majority community. These actions have drawn the attention of the whole world. Hence they have changed their tactics so that they can oppress the minority community in a way that people may be given to understand that the Government is proceeding in a legal way. We have got suspicion in our minds that this Ordinance has been designed to oppress the minority community. This suspicion is strengthened by the action of the Ministry as they have withdrawn the Noakhali and Tippera Area Security Ordinance, 1946. You know, Sir, the culprits in the Noakhali outrages belong to the majority community.

Already the agents provocateurs have been let loose. You have seen in the papers that some sergeants belaboured some Hindu boys who refused to shout Pakistan Zindabad at their request. These servants of the Government are required to keep law and order, yet they have been behaving in an uncivilised way. It is reported that already a list of 150 persons has been prepared to bring them within the mischief of this Ordinance. These persons belong to the minority community and they are doing there admirable work to keep peace and harmony.

This is the picture of the Government we have been asked to co-operate with. The League Ministers want co-operation with daggers under their sleeves.

With these words, Sir, I commend my amendment for the acceptance of the House.

**Mr. PRESIDENT:** Order, order. Amendment moved that in the schedule of the Bill, the following be deleted, namely:—

"1946 VIII—The Dacca Area Security Ordinance, 1946."

**Mr. LALIT CHANDRA DAS:** Sir, I rise to support the motion which has been moved by my friend Mr. Maitra. It will appear, Sir, from section 4 of this Ordinance that the District Magistrate of Dacca has been made all powerful. It is stated, Sir, that "whenever, after a state of emergency is declared under section 3 to exist in the Dacca Area, and the District Magistrate is satisfied that any person within the Dacca Area is committing or has committed or is likely to commit or is assisting or abetting the commission of a non-bailable offence against any person or property, or the offence of criminal intimidation, or any offence involving a breach of the peace so as to be a danger to or cause or be likely to cause alarm to the inhabitants of the Dacca Area or any section thereof, the District Magistrate may, subject to the control of the Provincial Government, by written order direct such person to remove himself from the Dacca Area within such time and by such route as may be specified in the Order and not to return thereto for a period (not exceeding one year) to be specified in the order without the written permission of the District Magistrate".

Now, Sir, if all that we hear is true, then it must be an extraordinary thing giving the District Magistrate such wide powers over the minority community. My friend Mr. Hemendra Nath Das who is a member returned from Dacca is not here today. He is a resident of Dacca, all that we gathered from him is that the situation is extremely horrifying. Apparently the majority community could not cow down the minority community in Dacca; it proved itself brave enough to withstand any attack upon them by the majority community and many young men whose names have been listed will be deported to outside Bengal. If action is taken against those persons then the situation from their point of view would be horrible. Not only will the minority community be deprived of the services of these young men but at the same time many families will have to go without their wage-earners and as a matter of fact many families will have to be on the famine list, so to say. That is the situation, Sir. Of course relief is provided from the District Magistrate's order in the shape of an appeal to the Provincial Government. But of what avail an appeal will be in face of the order of the District Magistrate? The District Magistrate will insist that he is a danger to society and should be removed from the Dacca area. I think therefore that there is very little chance of relief even if an appeal is filed before the Provincial Government inasmuch as the order of the District Magistrate (that will, of course, be submitted to the Provincial Government according to the provisions of the ordinance,) will be considered sufficient. So that, practically everything that the District Magistrate will do will remain the final order. Then, all that is provided for as relief to persons who are deported outside Bengal is that if the Magistrate is satisfied that the person is a Bengalee and that the allegations against him are true,

then all that the Magistrate can do is that though deported out of Bengal, he can return to and remain in any part of Bengal but outside the Dacca area. But in that case his chance of earning his livelihood will be gone. Taking all these facts into consideration and also the fact that the Hon'ble the Chief Minister has got in his hands now the Public Security Ordinance, a handy weapon in his hand, he should be pleased to take out this Ordinance at least from the list in the Bill. With these words I support the motion.

**The Hon'ble Mr. H. S. SUHRAWARDY:** But as far as Dacca is concerned, until the situation there improves—and we have got to watch the improvement for a number of years—we have got to keep the Dacca Act on. I am not quite certain to which community the honourable member was referring when he spoke of the majority community in Dacca—when I say this I am not speaking of the Dacca district but in the Dacca town itself—in the town itself the Hindus happen to be a majority community and I do not wish at this stage to say anything as to who has been responsible for the riots or recrudescences from time to time. Suffice it to say this that so far as the Government is concerned it looks with an equal eye irrespective of minority or majority community and treat them exactly in the same way. The District Magistrate is the person on the spot who knows who should be removed. Whenever there is a communal disturbance there is a general outcry that goondas should be arrested: they should be detained, they should be removed, externed; but when time passes everybody seems to forget about it and says that action taken in respect thereof is liable to cause hardship to the persons against whom steps are taken. The purpose of this Act is that persons who foment disturbances and have been responsible therefor and are behind the various incidents of murders and arson, should be removed from that area so that others could not be encouraged to carry on. I hope that in these circumstances the honourable member will not press his amendment.

**Mr. PRESIDENT:** The question before the House is that in the schedule of the Bill, the following be deleted, namely:—

"1946 VIII—The Dacca Area Security Ordinance, 1946".

The question was put and lost.

**Mr. BIJOY SINGH NAHAR:** I beg to move that in the schedule of the Bill, after the line "1946 VIII—The Dacca Area Security Ordinance, 1946", the following be added, namely,—

"1946 IX—The Noakhali and Tippera Emergency Harvesting Ordinance, 1946."

Sir, the reason for this addition in the schedule of ordinance is that this Harvesting Ordinance was originally in the schedule but although other ordinances have been kept in it and are being put into law this Noakhali and Tippera Emergency Harvesting Ordinance has been removed from the list because it affects the Muslims. On the one hand Government is insisting upon all the other ordinances being continued and on the other this Ordinance which is a very important ordinance has been removed from the list in view of the fact that the Muslim Leaguers do not want it. Sir the position of Noakhali is the same as it was before. It has not changed much, and though there is some change still it is a fact that those who came out of the district leaving their hearths and homes at the time of the riot have not been able to return to their homes. They are by circumstances forced to go there. They are asked by the Government to go there but the position there is still such that it is impossible for them to stay. I know of various cases where the persons who had gone there had to come back again. I do not blame any body or the Government. I am just saying that the position there is such that they cannot go there and live there peacefully. They therefore need these harvests and other things and Government should

therefore insert this Ordinance in the Bill. The people want their paddy, rice and other foodgrains but they are unable to bring them from those places. Supervising Officers have been appointed and if you remove them now the villagers will not be able to relate their grievances and get them redressed. In the absence of these officers they do not know where to go, whom to approach, how to carry on litigation and other things. I would urge upon the Hon'ble Minister to have this Ordinance included in the list of the schedules of the Bill.

**Mr. PRESIDENT:** Amendment moved that in the schedule of the Bill, after the line "1946 VIII—The Dacca Area Security Ordinance, 1946", the following be added, namely:—

"1946 IX—The Noakhali and Tippera Emergency Harvesting Ordinance, 1946".

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, the reason why this Ordinance has not been inserted is that there is now no necessity for this Ordinance. The honourable member has stated that the position has not changed since the Ordinance was promulgated. It has indeed changed and the harvesting has already finished and this Ordinance was for the purpose of seeing that the harvests of the Hindus who had left the locality are not misappropriated by others. Indeed it is a matter of congratulation that after the Ordinance was promulgated steps were immediately taken by the Hindus whose harvests were on the fields to take the local people including their Muslim friends and the harvesting was mostly done in harmony and in co-operation with the Muslims and where it was necessary for the Government to step in, did Government step in to look after the interests of the people who had left the areas. I hope, Sir, the situation in Noakhali and Tippera will continue to improve and it will not be necessary to continue this Ordinance or in fact any other Ordinance for any length of time. I can assure the House that if such a situation arises in future steps will be taken to protect the interesst of the persons who might be affected by any other communal disturbance.

**Mr. PRESIDENT:** Order, order. The question before the House is that in the schedule of the Bill, after the line "1946 VIII—The Dacca Area Security Ordinance, 1946.", the following be added, namely:—

"1946 IX—The Noakhali and Tippera Emergency Harvesting Ordinance, 1946".

The question was put and lost.

**Mr. BIJOY SINGH NAHAR:** Sir, I move that in the schedule of the Bill, after the line "1946 VIII—The Dacca Area Security Ordinance, 1946", the following be added, namely:—

"1946 X—The Noakhali and Tippera Area Security Ordinance, 1946".

Sir, we have just heard from the Chief Minister, when he was referring to the Dacca Area Security Ordinance, that still such communal tension exists in that part. Sir, he has just mentioned that in Noakhali and Tippera the situation has eased but it has not come under control fully still now. Probably the Chief Minister might be getting various complaints from various quarters and we also know that still the people fear to go there and the people of the place I mean the minority community of the place I mean those who have returned there are still afraid of the opposite community. Sir, I would mention just one thing, a letter which we got only yesterday from one of the persons engaged in relief work on behalf of the Congress stating that in various places wherever the Hindus have gone back to live and they want to purchase something from any shop the shopkeeper insists on certain subscription for the Muslim National Guard and if that is not paid the shopkeepers of the opposite community refuse to sell them any goods, refuse to sell anything to the non-Muslims. That such a situation

still exists there can be no doubt about it. So still there are the various organisations and even Mahatma Gandhi was working very hard at that place to bring about communal harmony. But until and unless you have certain laws for the protection and safeguarding of the life and property of the people, until the people are assured that really you will take drastic steps against the wrong doers and the people are assured that they are safe in the hands of the Government or in the hands of the local people there, you cannot say that the situation is completely under control and has eased. Sir, the situation no doubt has somewhat eased from what it was at the beginning but, Sir, still there are doubts in the minds of persons. This ordinance which is sought to be reinstated will really be helpful in bringing the two communities together and in at least giving relief to the Hindus, will allay the fear in the minds of these Hindu people who came away leaving their homes and everything behind when there was the riot, will give them the impression that still the Government is trying to help them so that no further incidents might happen. I would appeal to the Chief Minister to see that such measures as are in the Ordinance should continue so that the people might feel secure. Still, Sir, we find in the papers that a large number of persons go round even to the police stations, even to the Government officers and are trying to snatch away the people who were arrested for certain wrong acts. Sir, if this thing continues, can you say that the people who came out of the place can feel secure to go back and to rehabilitate. If you really and sincerely feel that the people should go back to their places, should go back to their places in Noakhali and Tippera and rehabilitate you should do something; it is your duty to do something to bring to the mind of the people that they are safe and that the people of both the communities may live in harmony. I would request and urge upon the Government to really take up the matter in hand to see that not only in Tippera and Noakhali but throughout Bengal people may live in peace and rehabilitate together in spite of the community to which they belong.

**Mr. PRESIDENT:** Amendment moved that in the schedule of the Bill, after the line "1946 VIII—The Dacca Area Security Ordinance, 1946", the following be added, namely:—

"1946 X—The Noakhali and Tippera Area Security Ordinance, 1946".

**Mr. LALIT CHANDRA DAS:** Sir, I rise to support the motion moved by my friend Mr. Nahar. Sir, an ounce of fact is worth a ton of fiction. The Hon'ble Mr. Suhrawardy was telling this House while speaking on the Dacca Area Security Ordinance, 1946, that in dealing with the ordinance in accordance with its provisions Government would see to it that even-handed justice was being done and that everything will go on well if he found that there was no emergency in Dacca. Now, Sir, in the list of schedules, this Noakhali and South Tippera Disturbances Ordinance found a place. No explanation has been given as to why these two ordinances have been taken out of the list. I therefore say that this Government is amenable to the influence only of his own party, namely, the Muslim League; otherwise there would have been no ground whatsoever for taking them out when there was the Dacca Area Security Ordinance and when there was also the Public Security Ordinance, 1946, at his disposal besides all the other ordinances affecting the civil rights of the people. Sir, Noakhali and Tippera have drawn the attention of the whole world, so much so that the greatest man in the world today had to go over to Noakhali to establish peace between the Hindus and the Muslims and stayed there for over three months. During this period it is only by his efforts that the two communities have been brought nearer, and closer to each other and the situation has improved but it has not improved to such an extent that the anxiety of all reasonable and impartial men can be said to have disappeared. In fact, Mahatma Gandhi intends to come back to Noakhali after he finishes his tour in Bihar. There are several workers there who have come from outside Bengal,

namely, from the Bombay side who were working during the past three months in those areas. According to the reports of Mr. Thakkar and Mrs. Kripalani the wife of the Congress President, we know that the situation has not eased, though it has improved. In fact, quite recently certain events happened which leave no doubt in our minds that the place is still passing through a dangerous time. Only the other day, a party of police officers went over to round up and arrest a goonda, a criminal, but at once a large body of Muslims turned up and facing the police prevented them from arresting the goonda. A constable was seriously injured in the affray. The police had to fire and the man wanted was shot dead and all this is a fact. There was a case of abduction close to Chandpur, where a woman has been claimed as a Muslim but she has been handed over to the other side, and there is a struggle going on between the two sides. There was another abduction of a woman. She had been removed to Agartala and even there some men appeared from Noakhali to claim her. We have also known of incidents of arson taking place in certain parts of south Tippera. In Noakhali, loot is still going on although not to the extent it was previously. Surely condition of Noakhali and South Tippera is such that no impartial Government would have taken away this Ordinance from the schedule. The fact that this ordinance has been taken away shows that the Government which is a part of the Muslim League has yielded to the outcry of the Muslim League Party in Bengal and therefore when the political opponents of the Muslim League is in danger are they far wrong when owing to nationality of the Government the Dacca Area Security Ordinance is retained? The Hon'ble Chief Minister said sometime ago that Government look with equality both Hindus and Muslims. If that is so then as he has included the Dacca Area Security Ordinance in the list, he should have also included within the fold of the schedule the Noakhali and Tippera Security Ordinance. With these words I support the amendment of my friend Mr. Nahar.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I do not want to make a debating point out of it. But I would like to remind the honourable member that they should realise that Government have enough powers in hand under the Bengal Special Powers Ordinance to meet the situation ..... (Mr. LALIT CHANDRA DAS: Why then continue the Dacca Area Security Ordinance?). They might well ask that if Government have these powers in hand why should they have the Dacca Area Security Ordinance. But I have already made it quite clear that these special powers Ordinances or powers taken under them will not remain on the Statute for a long time whereas the Dacca Area Security Ordinance may have to be kept for years to come. So far as Tippera and Noakhali are concerned, as I have said, if any person or persons have to be externed from that area they can be dealt with under the Special Powers Ordinance. The reason why the Noakhali and Tippera Emergency Ordinance has not been included in the schedule is that the situation in these places has eased and except one or two sporadic instances nothing has taken place and I hope that nothing will take place in future; and I can assure the House that if they are apprehensive that by withdrawing this Ordinance there would be no power to deal with miscreants they are not justified.

**Mr. PRESIDENT:** The question before the House is that in the schedule of the Bill, after the line "1946 VIII—The Dacca Area Security Ordinance, 1946", the following be added, namely:—

"1946 X—The Noakhali and Tippera Area Security Ordinance, 1946".

The motion was put and a division taken with the following result:—

**AYES—12.**

| | |
|---|---|
| **Mr. Lalit Chandra Das** | **Rai Bahadur Brojendra Mohan Maitra** |
| **Mr. Bankim Chandra Dutta** | **Mr. Nagendra Nath Moholanabish** |
| **Mr. Satish Chandra Jana** | **Mr. Bijoy Singh Nahar** |

Rai Bahadur Jogendra Nath Ray
Mr. Biren Roy
Mr. Biswanath Roy
Mr. Patiram Roy
Mr. Birendra Kishore Roy Chowdhury
Mr. Charu Chandra Sanyal

NOES—25.

Mr. Sultanuddin Ahmed
Rai Bahadur Dhirendra Lal Barua
Mr. Reajuddin Bhuiya
Khan Bahadur Syed Abdur Rasid Choudhury
Mr. Chowdhury Moazzem Hossain
Khan Bahadur Abdul Hamid Chowdhury
Khan Bahadur Abdul Latif Chowdhury
Mr. Syed Fazle Rabbi Chowdhury
Mr. C. E. Clarke
Mrs. Labanyaprobha Dutt
The Hon'ble Mr. Abdul Gofran
Mr. A. M. Shahoodul Haque
Khan Bahadur Sir Md. Azizul Haque
The Hon'ble Mr. Saiyed Muazzamuddin Hossain
Mr. Latafat Hossain
Khan Sahib Mobarak Ali Khan
Mr. Abdul Latiff
Mr. Tarak Nath Mukherjea
Khan Bahadur Mukhlesur Rahman
Mr. Abdul Rashid
Mr. Amulyadhone Roy
Dr. Kasiruddin Talukdar
Mr. Md. Taufiq
Khan Sahib Maulvi Wahiduzzaman
Haji Md. Yusuf

The Ayes being 12 and the Noes 25 the amendment was lost.

**Mr. BIJOY SINGH NAHAR:** Sir, I move that in the schedule of the Bill, the following be deleted, namely:—

"1947 I—The Bengal Criminal Law Amendment Ordinance, 1947."

Sir, this Ordinance relates to Calcutta. It gives power, certain powers, for the speedy trial of those offenders who did some mischief during the period 15th of August to 30th of September, 1946. Sir, may I know from the Government how many persons have been arrested under this ordinance? We know of persons who were arrested for doing mischief in the city of Calcutta in those days and who are being released by the court for want of evidence as we find it. There are many arrests, both Hindu and Muslim; they are being placed before the court but they are released for want of evidence. We do not know why the Government propose to have this Bengal Criminal Law Amendment Ordinance still in force. For trials it contemplates to have a special bench of two judges only without any jury. Sir, if there is any person guilty of serious charge he should be tried in an open court of law but not in an arbitrary way as has been suggested in this. It is suggested that this is only for the speedy trial of offenders. But, Sir, months have passed. Yet we have not found that any such speedy trial has taken place or any such proceedings have been drawn up before the court. As I have mentioned, we have also seen the reports in the papers—and so far as I myself have enquired into the matter I have found—that such persons are being placed before the Chief Presidency Magistrate or the Additional Chief Presidency Magistrate but they are let loose as the Government cannot produce any evidence against them. Sir, I do not know whether any such special circumstances still exist or whether the Government still thinks that this ordinance will ensure speedy trial. Months have passed but we have not seen any sample of any speedy trial by this Ordinance. Sir, there is another aspect in this clause to which I object. If you look to clause 9(2) of the Ordinance it will be found that there is a proviso to the effect that there would be no adjournment of the case. Sir, in many cases parties would themselves like to have adjournments but this Ordinance wants to take away that right of the parties for having adjournments in some reasonable grounds even. We find that in this city of Calcutta goondas and those persons who were doing the mischief really were not arrested; they are still at large and I do not think Government will ever propose to arrest them. I do not mean or refer to members of any particular community either Hindu or Muslim goondas who really did much mischief in the city of Calcutta for their own advantage and not for any political aim, by looting and arson, etc., these men are stlil at large, and we have not even found that they have been even prosecuted under this Ordinance. This Ordinance was promulgated on the 18th January and I find that although two months

have passed yet none of these goondas have been arrested or put under trial for speedy trial under this Ordinance. With these words I move that this Ordinance be excluded from the schedule.

**Mr. PRESIDENT:** Amendment moved that in the schedule of the Bill, the following be deleted, namely:—

"1947 I—The Bengal Criminal Law Amendment Ordinance, 1947".

**Mr. LALIT CHANDRA DAS:** Sir, I rise to support the amendment that the Bengal Criminal Law Amendment Ordinance, 1947, be deleted from the schedule to this Bill. Sir, this Ordinance is Ordinance I of 1947. I can show from this Ordinance that Government really think that as a matter of fact this law is very drastic, and because it is drastic therefore they did not consider it safe to bring within its operation the communal disturbance cases which have cropped up in Noakhali and South Tippera. They also know that it was the majority community in those two districts that committed oppression on the minority community and as they know that the accused are all Muslims they do not like that the Muhammadans should be tried under such a drastic law as Ordinance No. I of 1947. They are further aware that if they make this law applicable to the cases which have arisen in those two areas, then their *guddi* would not be worth a day even and the Muslim League would follow them and hound them out of office. It is therefore for that reason and that reason alone that they have not included Noakhali and South Tippera within the provisions of this Ordinance, and have confined them to the Presidency town of Calcutta, and the districts of 24-Parganas and Howrah. They could have easily included Noakhali and South Tippera in respect of the communal disturbance cases. As I have been pointed out by Mr. Nahar the provisions of this Ordinance are very drastic indeed; where a special bench is to be constituted whenever there is a difference between two judges the opinion of the senior will prevail but when they differ as to conviction or sentence the matter will have to be referred to the High Court and everything will be finished there. Then, again, they have also made special rules about evidence. In fact, the Evidence Act has been really suspended as in clause 8, which says "Notwithstanding anything contained in the Indian Evidence Act, 1872, when the statement of any person has been recorded by any Magistrate, such statement may be admitted in evidence in any trial under this Ordinance, if such person is dead or cannot be found or is incapable of giving evidence and the Court is of opinion that such death, disappearance or incapacity has been caused with the intention of interfering with the course of justice" and the procedure under this Ordinance has been found controversial. In section 7 it is mentioned—"in so far as they relate to trials before a High Court by jury, or before a Court of Session by jury or with the aid of assessors shall not apply to trials under this Ordinance". So the whole thing is drastic from top to bottom. However heinous the offence is, if the offenders or criminals in Noakhali and South Tippera escape the rigours of a law like this, I do not understand why offenders or criminals in Calcutta, Howrah or 24-Parganas should not get the benefit of trial according to the ordinary law of the land and get the benefit like the Noakhali and South Tippera offenders and criminals. With these words I support the motion of my friend Mr. Bijoy Singh Nahar.

**Mr. NAGENDRA NATH MOHOLANOBISH:** Sir, I support the amendment. So long, Sir, we have been dealing with control of foodstuff, consumers goods and other things and we find that the result of the control imposed by the present Government is black-marketing and corruption. Now, Sir, so far as this Ordinance is concerned, in my opinion the ordinary law is quite sufficient for trial of these offences. It is no use taking away the right of the people to be tried by jury under the ordinary law. You cannot say that every one who is put on trial is guilty, particularly where people are apprehended on suspicion without any evidence, or where people

are falsely implicated. There are such cases not only in Calcutta or 24-Parganas but there are such cases in Noakhali and South Tippera. So if you decide for one form of justice in Calcutta or 24-Parganas and another form of justice for Noakhali or Tippera we must have feeling that there is some reason for this. So I submit that Government ought not to make any distinction between areas as regards the dispensation of justice. With these words I support the motion.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, if I may take the speeches seriatim, I do not know exactly what to reply to the arguments of Mr. Nahar because in his speech he has actually supported the Ordinance and desired that the Ordinance should be put into operation as soon as possible. He made a grievance of the fact that the courts have not yet started taking cognisance of the cases. Mr. Das stated that this is a very rigorous law. But I do not think it is rigorous. It is made really to ensure safety and fair trial for the accused. Jury trials and the ordinary procedure are very protracted and often enough the persons who are tried under ordinary procedure suffer hundred deaths before they are convicted. It is also known that communal tension is high at the present moment and we all have experience of cases under sections 363 and 376 and that the jury in all these cases divide on communal lines. Therefore it will be much fairer to the accused if the trial is held by trained judges who would judge the value of the evidence properly. Mr. Das has made reference about Noakhali and Tippera and wanted to know why this Ordinance has not been brought in the Bill. Now, Sir, I am glad to find a change in the attitude they have now taken as they seem now to think that such Ordinances do perform a salutary duty and in fact the last amendment shows that the honourable members opposite are beginning to appreciate these Ordinances. We shall, Sir, consider whether the Ordinance regarding Noakhali and Tippera on the same lines will not be useful. The case of Noakhali and Tippera and that of Calcutta and its surrounding areas are not the same. Round about Calcutta we have 5,000 deaths, and wholesale murder and arson in many places whereas in Noakhali and Tippera the deaths are not more than 182. You cannot compare these two cases.

**Mr. PRESIDENT:** The question before the House is that in the schedule of the Bill, the following be deleted, namely:—

"1947 I—The Bengal Criminal Law Amendment Ordinance, 1947".

The motion was put and lost.

**Mr. BIJOY SINGH NAHAR:** Sir, I beg to move that in the schedule of the Bill, the following be deleted, namely:—

"1947 III—The Bengal Civil Pioneer Force Ordinance, 1947."

Sir, this Ordinance was promulgated in Bengal in a peculiar fashion. The Legislature was going to meet on the 3rd February, 1947, and this Ordinance was promulgated on the 2nd February, only one day before the meeting. This is an unusual procedure in the history of the Legislature. Sir, the Government knew that the Legislature was going to meet from the 3rd February and I do not know what was the hurry that just one day before the meeting of the Legislature this Ordinance was promulgated. Sir, the Bengal Civil Pioneer Force was created during the war period to do some essential service. There is no war now and there is no emergency. In clause 4 the duties of the Civil Pioneer Force have been mentioned. "It shall be the duty of the Civil Pioneer Force and of the persons enrolled therein as and when required by the Provincial Government or by an authority authorised in this behalf by the Provincial Government, for maintaining supplies and services essential to the life of the community,—

(a) to carry out the construction or demolition of buildings, the clearing of debris, the salvage of property and the rescue of human beings....."

As if this Ordinance was so very necessary on the 2nd February. We do not know what were the circumstances when clearing of debris, salvage of property and rescuing of human beings were required. I do not know why it is necessary to keep this still on the Statute Book of the Government and why it is still necessary to maintain this pioneer force. Do they anticipate any war in the near future? Do they anticipate any invasion from outside upon our province, upon this city of Calcutta from anywhere? Let them speak out plainly so that the people may know what is their position and whether they are going to face a war again? For our part we do not know of any such thing at present and we do not apprehend any such war in the near future. There is no question of war or salvage of property or of rescuing human beings from out of those debrises. They were maintained for the purpose of carrying on constructional work on roads and buildings, to load and unload transport vehicles, etc., etc. These were done during the period of the war for war emergency, to maintain this as a military unit, and they were practically supplementing the work of the military. Sir, now those works have vanished, those duties are no longer required to be performed by this pioneer force. I do not know what is the idea behind the Government to maintain this force. Is it their idea that they do not want to discharge these men from duty and so want to feed them out of the Government Exchequer or they have any other motive behind the maintenance of this pioneer force. Do they want them to be utilised as military? If they want to do so let them absorb them in their military unit but don't you have any pioneer force under this Ordinance. You have the power to organise your military; you have your power to organise any other units like this but not a Civil Pioneer Force which was maintained and is still being maintained at such an extravagant expense out of the Government Exchequer. Sir, a very curious thing is also mentioned in section 11—"Any person enrolled who begins, excites, causes or conspires with any other person to cause, or joins in any mutiny". What is the mutiny about? Do you apprehend any mutiny? If so, what is the mutiny? Mutiny is war against any foreign Government Now there is no such thing which we can call a mutiny. If the British Government were here in office they might have thought that any day the Indians might rise in revolt and there may be a mutiny as against their own. But when we have the Government of the people, by the people and for the people here, where is the question of any mutiny? Probably the makers of this Ordinance have not cared to read between the lines the provisions and they have simply copied out all the old sections that were promulgated by the then India Government just to maintain their own military and all these things for the conduct of the war.

Sir, there are other provisions such as summary trial. We do not want any summary trial anywhere. The people who are charged with any offence should be tried in a public court of law and justice done. We know what summary trial is; we know the mockery of these summary trials; they are held more or less in *camera* and justice is never done. The judges or the gentlemen who try these cases they go by records that are placed before them only on behalf of the prosecuting party. Practically they give no chance to the other side; they do not hear the defenders in the suit. Such a summary trial is no longer required. Sir, another power has been given to the police officer which is most dangerous. In section 22, sub-section (2), "any police officer may arrest without warrant any person reasonably believed by him to be an enrolled person who has deserted his unit", etc. A police officer may have a grudge against a person and he may arrest him on a charge that probably he was enrolled in some unit, in the pioneer force, and he had deserted it. Without any definite idea whether such a person was really enrolled in the pioneer force and that he had deserted it he would be arrested. The officer would harass him and in placing him before a higher officer he would try his best to prove to the satisfaction of that higher officer that he was enrolled but had deserted, though that might

not have been a fact. To entrust such power to a police officer is a very dangerous power that has been given under this Ordinance. I would again say that there is no necessity any longer for any pioneer force and the Provincial Government should not make any such Ordinance. I do not know if these very persons are any favourites of the Ministry or of some powerful men in the province but they should be discharged here and now and this Ordinance be withdrawn from this Bill so that no further expenses will have to be incurred for the maintenance of a force of men like this from the public exchequer.

**Mr. PRESIDENT:** Amendment moved that in the schedule of the Bill the following be deleted, namely:—

"1947 III—The Bengal Civil Pioneer Force Ordinance, 1947".

**Mr. LALIT CHANDRA DAS:** Sir, before this item is disposed of may I make a request to you that members of my party may go home for luncheon and come back for the next sitting——

**Mr. PRESIDENT:** At what time?

**Mr. LALIT CHANDRA DAS:** They will come back at 2-15 p.m. They have come without taking any food.

**Mr. ABDUL RASHID:** No, let us continue sitting.

**Mr. LALIT CHANDRA DAS:** You need not worry; we shall finish the Bill today, as you want.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I do not know, Sir, if the honourable members wish to finish the Bill now; if so, I shall be deeply grateful, and then after adjournment come back after 2-15 p.m. for further business.

**Mr. ABDUL RASHID:** Why not meet again at 1-45 p.m. today?

**Mr. LALIT CHANDRA DAS:** No, no. That cannot be at least not today. May be from Monday. After 2-15 p.m. there will be the third reading of this Bill and speeches will be delivered on that occasion from this side of the House. And particularly I may inform the Hon'ble the Chief Minister that he will be expected to reply to the points raised by us regarding the Public Security Ordinance, and that I think will take some time, for we are very anxious to know the views of the Chief Minister with regard to his political opponents.

**The Hon'ble Mr. H. S. SUHRAWARDY:** May I suggest that we finish the amendments at least now and the third reading and adjourn till 2-15?

**Mr. LALIT CHANDRA DAS:** No, we can't agree to that, as I have already intimated to the chair.

**Mr. BIJOY SINGH NAHAR:** Besides, there are many other speakers on the Pioneer Force Ordinance.

**Mr. BIREN ROY:** May I suggest that we finish all the amendments now and adjourn and return for the third reading at 2-15?

**Mr. PRESIDENT:** That will be quite alright. I take it that there are no speakers on this motion?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, the Civil Pioneer Force has been extremely useful in maintaining supplies, and, generally speaking, whenever it has been found difficult to recruit local labour, it has stepped in and proved its utility. This is a force founded on military lines and under discipline akin to military discipline and consequently the provisions of this Ordinance are on lines that are applicable to military units. That is the reason why some of these provisions may appear somewhat drastic

if applied to ordinary labour units. We do not know exactly how things are going to shape. There are disturbances in the offing which I hope, however, will melt away and will not assume any serious shape, but we do not wish to give away an instrument in our hand which can be utilised in order to keep supplies going and the life of the community flowing. I think, Sir, a time may come—I hope it will not come—when the members opposite will appreciate the fact that we have been able to continue the Civil Pioneer Force Ordinance.

**Mr. PRESIDENT:** The question before the House is that in the schedule of the Bill the following be deleted, namely:—

"1947 III—The Bengal Civil Pioneer Force Ordinance, 1947."

The motion was put and lost.

**Mr. PRESIDENT:** The question before the House is that clause 2 stand part of the Bill.

The motion was put and agreed to.

The question before the House is that the Title and Preamble be added to the Bill.

The motion was put and agreed to.

**Mr. PRESIDENT:** We may adjourn now and sit again at 2-15 p.m. today.

The Council then adjourned till 2-15 p.m.

*(After adjournment.)*

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that the Bill as settled in the Council be passed.

**Mr. PRESIDENT:** Motion moved that the Bill as settled in the Council be passed.

**Rai Bahadur JOCENDRA NATH RAY:** Mr. President, Sir, I beg to oppose the Bill. This Bill embodies the provisions of as many as those Ordinances of a highly repressive character which will affect most of the cherished civil and political liberties of the citizen. The League Ministry of Bengal has, by its brute majority, rushed this Bill through the Council despite stiff resistance of the Opposition. The Bill has not at all been modified in the light of the criticisms of its opponents. The Ministry has brushed aside the request that we made on the floor of this House for circulation of the Bill or that it had not the patience to wait for an examination of the provisions of the Bill by a Select Committee of the House. It will emerge from the Council exactly in the form in which it has been presented. Still we think that we will fail in our duty if we do not protest against this authoritarianism—a menace which must be fought by all lovers of democracy.

These powers given, we are afraid, will find inevitable expression for personal and sectional aggrandisement and for suppression of legitimate and political activities of the nationalist organisations. It is a matter of surprise that when there is enough restrictions on the press fresh powers are sought to cripple further the freedom of the press under these Ordinances.

I fail to understand how the revival of the Civic Guard organisation which could not stop communal disturbances in the past will be of any use in future. Only the other day the police fired upon innocent students who happened to stage a demonstration in support of the freedom movement for Viet Nam under powers of these ordinances, and the same police, it is said, did not or do not say anything while the Muslim National Guards were and are marching in the streets of Calcutta in military uniform. The Collective

Fines Continuance Ordinance has also been administered in a manner discriminatory against a particular community. So far as the effectiveness of the measure is concerned, it has been disproved by the events that have occurred since the promulgation of the ordinances. Mr. Suhrawardy's Government has failed to prevent or control any of the communal or economic disasters in the Province. It is therefore nothing but a pretence on the part of our Hon'ble Chief Minister to say in justification of the ordinances that they are necessary for the maintenance of law and order in the country.

But, the measure is certain to become law in due course. Opposition to the bill has been of no avail. Our cry here will be a mere cry in the wilderness. However, I shall conclude this with an appeal to the Hon'ble the Chief Minister that he may be pleased to see that these ordinances may not be utilised in a discriminatory manner and that they may not be exercised arbitrarily or unnecessarily. The policy of the Government is to deal fairly, squarely and justly with all people and there should not be any question of discrimination.

**Mr. CHARU CHANDRA SANYAL:** Sir, I rise to oppose the passage of the Bengal Ordinances Temporary Enactment Bill and in doing so I say that the days of rule by Ordinance are no more. Ordinances failed even in the hands of the mighty British Government in 1921, in 1930, 1932 and 1942 and in several other years. The mighty British Government with a mighty machinery behind them could not stop any legitimate activity of the people. Ordinances are necessary in cases of emergency to meet an emergent situation. I do not think any such emergency has come at the present moment. Rather I should think that the ordinary laws of the land are quite sufficient to control any act of lawlessness if there be any. It is a discredit on the part of any Government to rule by Ordinances. It pre-supposes that the people are not sympathetic towards the government; people are against the activities of the Government and as a sort of retaliation the Government has started enacting ordinances to control them under special powers, as though, practically there is a state of war. I do not think such a state exists in Bengal, especially at present. The administration of a country depends upon the goodwill of the people, and there must be absolute harmony between the ruler and the ruled. This series of Ordinances that are being enacted on the floor of this legislature today, if thrust upon the people against their will is sure to produce very bad effects. At least the people will not be quite happy to be ruled by these ordinances. Sir, this is a time when a great political change is coming over us and practically we are going to take over the absolute administration of the land. Is this the time to control people by means of ordinances? I do not think it would be a credit on the part of the present ministry to press for these ordinances by continuing them; rather the present Government controlled by the present Ministry should appeal to the people and appeal to their good sense to shoulder the responsibility that is coming to them very soon. Whipping is not always good. It may chastise naughty boys but whipping a nation is always bad. An ordinance is certainly a sort of whipping and should be avoided as much as possible and more so when it concerns a nation.

Next, with reference to some of the special powers, I refer to the Bengal Special Powers Ordinance. Section 2 of this Ordinance deals with definitions and sub-section (3)(a) defines a prejudicial act and says that prejudicial act means any act which is intended or is likely to cause disaffection among, or to prejudice, prevent or interfere with the discipline, health or training of, or the performance of their duties by, public servants, etc. Sir, this is very vague. It means that if any prejudicial act is done it should be done in front of a police-station, so that a police officer may not injure his health by running about ten or twelve miles to investigate a case. It should be done, I mean, a prejudicial act should be done, not in the dead of night but in the day time, or at the end of the night. So that the police officer after finishing his good sleep at night may comfortably

go for the investigation of the prejudicial act; thirdly, it means that no prejudicial act should be done in heavy rains lest the public servant going for its investigation may injure his health and this may add to the prejudicial act. Even if an act is done which is not prejudicial but affects the health of the public servant it may become prejudicial and that is practically very peculiar. So it seems to me that any act which comes under this Ordinance must not be done in any malarious or malaria stricken district or village, so that the public servant going for investigation may catch malaria and lose his health. No act of this nature should be done where there is epidemic so that a public servant going for investigation may lose his health. I think the word "health" has been very unhappily placed and that is why a discrimination has been made in the case of Dacca, and Noakhali and Tippera. Dacca is certainly a malarious place where a public servant going on investigation may contact malaria and lose his health. So Dacca comes under the purview of this Ordinance, whereas Noakhali and Tippera not being malarious places have been left out because any activities in these places may not injure the health of a public servant; and I think that is why Tippera and Noakhali have been left out. Then comes (*d*) prejudicial act cause fear or alarm to the public or to any section of the public—"To cause fear or alarm to the public" is very wide. It depends upon the sweet will of the public servant to determine whether an alarm has been caused or not. It is therefore a machinery to harass any and every person or any and every association of persons. The word "alarm" should have been defined. Then I come to (*e*) "prejudicial act to impede, delay or restrict the means of transport or locomotion, or any work necessary for the supply or distribution of any essential commodity". To restrict means of transport. A party may impede and delay, but how can it restrict? Does it mean that any act on the part of the railway servants or on the part of the labourers comes under the purview of prejudicial act? I do not know whether any strikes come under the prejudicial act. Strikes may cause restriction on the means of transport and impede, delay or restrict distribution of any essential commodity. So "essential commodity" should be defined more clearly. It is not clearly defined. Essential commodity may be anything or may not be anything. Then comes "prejudicial report". Prejudicial report means any report whether true or false. It is used only or rather mainly for war news. When there is war in any country sometimes true news are not allowed to be circulated because it may cause alarm. But I do not think a state of war is prevalent or present in Bengal where true news should also be suppressed. If any person approaches or is in the neighbourhood of any such building, whatever may be his object and if a public servant thinks that he is there to cause damage to that building he can be arrested and brought before a court of law. It is a very wide power and in the hands of an unscrupulous public servant this approach may mean anything, this power may then be a machinery for harassing good people also.

Chapter III deals with public safety and order. There is a provision in this chapter by which powers to require the assistance of certain persons have been given. During the war in 1914-18 we heard of special constables and now under this section 13 provision for special constables has been made. It says "Any officer of Government authorised in this behalf by general or special order of the Provincial Government may, within such area as may be specified in the order, require any male person in that area to assist in the maintenance or restoration of law....." It is practically conscription to be enrolled as special constables. It is a machinery to harass respectable persons and in fact many respectable persons have been harassed in the past in this way. Zemindars and business men even as old as 50 years were called upon to be enrolled and that was a sort of terror to the village people specially of East Bengal. Now, we find that machinery has been sought to be given under this Ordinance to the administration where unfortunately the number of unscrupulous persons are many.

Now, about the controls. The control has been a source of trouble to many, almost to all. I may cite an instance. The other day I found a permit for waterpipes issued in the year 1943 and even now the pipes have not been supplied and the labourers of that place wanted to stage a strike for want of water. Such is also the case with cement. One company got a permit some six months ago, even now the company has not got it though the entire value has been taken away from that company. This cement company is a very respectable and reputed firm of Calcutta. Control is thus creating difficulties in the way of the people. The Control has unfortunately created the black market and the name "black market" has come with the Control. Whenever there is Control there is rise of prices; there is scarcity of materials, but all the materials can be found if excessive prices are paid. That is the difficulty of Control. I always say, in the hands of unscrupulous people, these Controls will be a sort of trouble to the people and they do not at all help. This Control does not help in any way the daily life of the people. The Chief Minister said that Ordinances and Controls should continue because the supply is very restricted, and so when the supply is restricted Control is necessary for equity of distribution. But the reverse is the effect in practice. Whenever there is control, even if there is less supply, it becomes lesser still, and a good portion of the controlled article goes somewhere, nobody knows. They are again returned by some unknown channel to the people at excessively high prices and that is the difficulty. Taking advantage of this Control, some firms, some people have become immensely rich. Those living on fixed pay basis, the public servants, the private servants and those earning fixed pay are put to great hardship on account of this Control. So I think these Control Ordinances should not be allowed to be continued. Let normal trade routes be left open and if there be any Control it should control the ceiling price of every commodity and that ceiling price control should be rigidly enforced. Regarding supply, normal trade channels should be left open. With these words I oppose the passage of the Bengal Ordinances Temporary Enactment Bill, 1947.

**Mr. BIREN ROY:** I rise to oppose the passage of this Bill. We have heard the Hon'ble Chief Minister remarking that there is something in the offing for which some Security Ordinance as envisaged in this Temporary Enactment Bill is being passed. We want to have detailed information from the Minister. He has not explained what was in the offing. Sir, after a very good lunch in a mutual admiration society the Chief Minister is dozing. He woke up only when my friend on this side brought up the talk of the whip when he was making the comparison of the whip with this Ordinances Bill and he was tickled a bit and jotted down something to whip us with. I would like him to be a little bit mindful about our appeals and on requests made in our speeches while opposing the Ordinances principle. We are trying to impress . (The Hon'ble Mr. H. S. SUHRAWARDY: On a point of personal explanation, Sir, I say I am listening. I am bound to listen but I am not bound to see.) We have been for so many days impressing upon him as well as on the other side, I mean members on the Government benches, some of whom agree with us and they have given vent to their feelings in the lobbies and some of the European members also who do not like that this province should be ruled by such Ordinances. Sir, we are of course pleased to learn, although we do not know whether the Hon'ble Chief Minister will keep his word later, that as soon as he finds that things have come to normal these Ordinances will be repealed or taken away, but we find that there are two Ordinances at least which are in complete contradiction to the state of things that exist at present. The first is the Drug Control Order and the second is the Consumers' Goods Control Order, both of which are retarding the actual supply of goods in the market for the ordinary people and the common man is not at all benefited by them. The Rent Ordinance, it has already been accepted by the Chief Minister, will be repealed later. It was not necessary

to include it in this temporary enactment Bill. But, Sir, what we find missing here is that although these unnecessary Ordinances have been introduced and are being rushed through here, there is nothing here which will even at this non-emergency period carry on with the normal essential life of the community and that is an Ordinance to prevent strikes or interruption of the Essential Services. Here I may say that I wanted to elicit information on the point of principle as to whether adjudication is ordered in every case when it is found that either the strikes are unreasonable or the employers are unreasonable, or whoever among the two parties is unreasonable, if an adjudication ordered or only in some cases, the Government simply kept quiet. As for instance, I would like to refer to the case which was being brought by one of my friends here but which he missed, namely, that the labourers in a certain place went on strike for the sole reason of non-supply of water. They could not get water because no tube-wells could be sunk as permits for the supply of pipes had to be obtained in the first instance. The permit was obtained in 1943 but even in the year 1947, with the permit, the materials could not be obtained. Labourers are of course not very literate persons and they did not know what was happening in the Government's channel of distribution, which is quite abnormal. But nowhere in any of the Ordinances have the Government thought it fit even at the end of the emergency period that the natural channel of distribution should be brought into operation. In the case of the Drug Control Order the natural channel of distribution was advocated not only in this House but also in the central legislature that it should be hospitals, dispensaries, doctors and patients; instead it went to the shops first and then to prescriptions and then to patients. Prescriptions were sold by some of the doctors and medicines thus found their way into the black market. What was the Enforcement Branch doing, Sir? Nothing. When mustard oil was de-controlled from the statute book, barrels of mustard oil were found in Calcutta; they surely did not come from underground, from the sewers of Calcutta; they were in open places but the Enforcement Branch——

**The Hon'ble Mr. H. S. SUHRAWARDY:** Have you found those barrels?

**Mr. BIREN ROY:** Unfortunately, not. But so have many others.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Then you must be very unlucky.

**Mr. BIREN ROY:** But as soon as the Control was removed mustard oil is being sold in the market again. What I mean to say is that even when there is a Control order, essential commodities must be made available, and in their absence there is expected to be a labourers' strike or a millers' strike or some other strike which will paralyse the society. But no provisions have been made in order to make such strikes illegal when it is really the duty of the Government to continue the maintenance of an essential civic organisation. Take the case of tramway strike. In this case the Company is keeping quiet, the Government are keeping quiet and the workers are keeping quiet. Sometimes the European members taunt us and sometimes they excite us also saying why should we not do this and that. But I would ask them why should they, being legislators here, not raise their voice when this Bill is being rushed through—well, I would not say rushed through—we have had our chance;—when the Government even in normal times and even after the war was over are trying to continue to have extension of all these Ordinances which were necessary during the war period and when the civil liberties of the people are being curtailed, nothing is heard from my European friends. Mr. Morgan had his snubbing from the Chief Minister at the time when he objected to the observance of holiday on the 16th August last and when he was told that if it was not a holiday he would have run the risk of his hat being taken off or his necktie being snatched away. Now, Sir, they have no sympathy for us because they do

not care. Sir, as pointed out by Mr. Das, I want to get this information from the Chief Minister whether this Bengal Ordinances Temporary Enactment Bill is going to be utilised at all against all those who oppose the Government only and not against those criminals whose actions do really bring about disruption. What will be the state of future Bengal, that is after June 1948? We certainly have some fright—some misgiving—but we all want Bengal to be ruled by both Hindus and Muslims together for the benefit of all sections of the people. We do not want one party rule and the Chief Minister himself gave out at another place that he does not want one-party rule. If you do not want that why do you bring these Ordinances to create misgivings in the mind of the people and say that these Ordinances are necessary. Many of the members of the other side would be quite willing to agree with us, if "whips" were not used that they must be herded together and must vote for the Ordinances with the idea that it is according to the direction from the Central Government. Then, Sir, as I pointed out before, why should the Chief Minister be so meek and submissive to the Central Government? He wanted Pakistan, why then this submissiveness all on a sudden, that he must carry out the dictates of the Central Government? Is it because his Finance Minister wants so much subvention from the Centre to maintain the Civil Supply Department at a cost of 14 or 16 crores? After all they are not getting it because the Central Government are as nearly bankrupt as this Government. So the best thing is to win over the goodwill of all sections of the people in the province. We on this side of the House certainly want to co-operate with you. But we do not want to be exploited or dominated by any one. Why this Ordinances Bill should at all be brought in and much bitter feeling roused when other steps should be taken to allow us, the Opposition to sit together and co-operate, I fail to understand. We would request the Chief Minister to think along this line of repealing all these Ordinances as quickly as he can. His own party members in the Central Legislature—as the radio announces today—are trying to get the Central Government agree to repeal Consumers' Goods Control Ordinance. I would request him once again that as soon as he finds—the sooner it is possible the better—he should withdraw all these temporary enactments and not only that, he should extend his hand of co-operation to all members of the Opposition, the Congress, the Hindu Mahasabha and others not even to the exclusion of the Europeans whose interests are not at stake. If we combine the British ruling class cannot remain here. I will also request him not to carry on a routine-bound administration guided by the I.C.S. They do not so much care to find out what these Ordinances are and the Chief Minister having not sufficient time cannot go through all the provisions of these Ordinances. If the Chief Minister had time to go through the schedule he would have found that some articles should have been excluded. These Ordinances have been brought in as if the war is still there or as if there is going to be a civil war in Bengal. If you have the good will of the people there would have been no necessity for the police help during the period from 16th August to 19th August. In our side, south of Alipore, not one case of stabbing, or looting, or burning or murder was reported, although on our three sides people were fighting. We did not call for police help. We the Hindus and the Muslims were together and helped those who wanted it, gave them shelter. If the people are intent on having a civil war the police cannot stop it. This will only make for more mischief and, let loose the goondas. Bengal has suffered too much during the war and also after the war. I do not think we should be made to suffer again when there is no emergency and when we are just going to have the power transferred to us. If we remove all these Ordinances and if we unite we shall be able to build a province better than any other in India.

**Mr. NAGENDRA NATH MOHOLANOBISH:** Mr. President, Sir, I beg to oppose the consideration of the passing of this Bill mainly on the ground that this is a very novel method of enacting several Ordinances into

law without giving the legislature and opportunity to discuss the provisions of those Ordinances in detail. This shows that the Legislative Department of this Government was not disposed to take time by the forelock. If the department was apprehensive that the Ordinance was going to expire they ought to get it for a longer time as long as the law permitted so that this Ordinance might be brought within the purview of a Bill and have it passed through the Legislature they should have brought in actual Bills before the House so that the House could examine each one of those provisions and suggest their amendments and to try to improve upon the provisions of such Bills. To ask for the sanction of a Legislature to continue certain Ordinances not one, not two but near about a dozen Ordinances ad hoc—and to ask this Legislature to consent to their continuance is, I submit, an insult to this Legislature. You enacted these Ordinances practically only a few months before and at that time you had the time and the opportunity to bring forward each one of those Ordinances before this House. But you carefully avoided that and had the Governor sign the ordinances to make them law. That means that this is a law which a particular Minister thought should be enacted without the sanction of the Legislature. They thought that it should not come to the Legislature or that at the time of issuing these Ordinances if I concede that they had no time to have a Bill and to have it passed through the Legislature. They produced the Ordinances but then they knew that the Ordinances could not continue for more than six months or if the Legislature sat they would lapse within six weeks of the first meeting of the Legislature whichever is earlier. But whatever may be the position at that time, if the Government thought that these Ordinances ought to be continued for some time more than was permissible I submit that all these Ordinances should have been separately brought forward in the form of Bills. To ask us to say that all these Ordinances should continue for another period is to force us to say either "Yes" or "No". I submit that, so far as I could gather, there has never been any previous occasion when such legislation was sought to be enacted in the way in which it is sought to be done in this connection. Whether it was in order or not to introduce a Bill of this nature I do not like to discuss but I must submit with all the seriousness that I can command that it was most undesirable that the Government should bring forward a Bill of two sections which would actually imply that several hundreds of sections in several enactments should have the sanction of law and the sanction of this Legislature

The next point that I would like to submit is that none of these Ordinances is really necessary to be continued. We have been ruled by the Defence of India Rules from 1939 to 1945 during the war. It was well known that these Defence of India Rules would expire after 6 months from the end of the war or from the declaration of the cessation of the emergency. That was known to the Government and the Government should have therefore armed themselves with proper legislation in time. As for instance, I should say, one of the Ordinances which has now been brought forward and included in the Schedule of this Bill was passed only a day before this Council met in September. Now is it not quite palpable that the idea of the Government was to have their own way and not to consult the Legislature before they had practically enacted a law of that nature namely the Civic Guards Ordinance? Now let us consider what was the urgency, what was the emergency in which that Ordinance was passed a day earlier than the date fixed for the session of this Legislature to begin. In any other country, I submit, this sort of procedure would not have been countenanced by any legislature. I do not think the Hon'ble Minister in charge can contend that the enacting of these Ordinances a day or two later would have caused any disaster to the province, or that the position was such that a delay of 24 hours or even of 24 days would have mattered in the least. This shows how this particular Government was really slighting the legislature and how they are governing in their own arbitrary way. That shows their entire disrespect towards the Legislature, and in any case if we allow these

things to go on without protest it means that in every matter Government may have an Ordinance promulgated even a few days before the Legislature is in session and then come forward before the House and ask for their enactment and continuance. I submit that this was never the intention of the Government of India Act. It will be a violation of the principles underlying legislation within the purview of the Government of India Act; why does the Government of India Act provide that Ordinances made under that Act should not continue for more than six weeks after the Legislature sits. Sir, what was the idea? The idea was that the Legislature must be given an opportunity to discuss all these things. If Government want to continue the provisions of those Ordinances Government should bring forward Bills to that effect so that every clause of those Bills may be scrutinised and the Legislature may have an opportunity of either allowing or disallowing those pieces of legislation. This is certainly a very gross violation of the principles of legislation. Now, Sir, the first thing that has been brought forward within the Bill is the Bengal Civic Guards and Collective Fines Ordinance. Now this Collective Fines business is going on really from the month of August last year whether the Legislature should have actually accepted the principles which have been laid down in those Ordinances and whether they have been modified or not is a different matter, but Government seem to think that what they have thought out and the principles that Government have considered to be right must be accepted by the Legislature without in any way modifying it. I only want to impress upon the House that the time through which we are passing now is a time when one should not rely upon the unfettered discretion of Government. As I have said we have come to a critical time after the declaration of the 20th of February by the British Parliament and we should like by all means to come together, Hindus and Muslims, and other communities and devise ways and means how best we can further the interests of the province, and how we can help in having our independence without any hitch or trouble. It is not necessary to have all these Ordinances with a view to the governance of the country because the majority party governing Bengal at the present moment is really trying to bind the minority community by these Ordinances. The majority party does not really consider that their own party should be governed by these Ordinances also. It is perfectly clear that the majority party intend to bind us the minority party by these Ordinances. As I have had occasion to point out in connection with one of the Ordinances, namely, No. 8 of 1946, that is, the Dacca Area Security Ordinance, 1946, which prohibits drilling and using uniforms. On all these points I made my comments at that time and I do not like to repeat them now. But I think that in view of the political change that is coming over to us the Chief Minister should think it thrice before he wants to place this Bill on the Statute Book. As you have got overwhelming majority you can have any law that you want to be passed through both the Chambers of the Legislature without much difficulty. What is the harm then if you just wait a few months and see what happens. After that if you think proper you can have any of these Ordinances and extraordinary power at any time. There is no difficulty. There is no such turmoil, no such disputes, troubles or agitation in this country just at this moment which would require you to have recourse to extraordinary powers. Therefore I appeal to the Government just to wait and see and leave this Bill aside and see what happens. You can have your Ordinances at any moment if the Legislature is not in session. You can pass any legislation you like at any time. Therefore the idea of governing that extraordinary power—that Ordinance—should be abandoned and an attempt should be made to see as to how the position stands if this extraordinary legislation is not with the Government. That ought to be the attitude of the Government. I would just refer to the few Ordinances which are being sought to be extended. Now, Sir, take the Bengal Molasses Control Ordinance. What was the hurry about it? How many sugar mills are there in Bengal which would require protection of the Bengal Molasses Control Ordinance? I do

not know, and then we do not know why the other Ordinance—the Bengal Drugs Control Continuance Ordinance should be kept alive for a further term. My friends Mr. Nahar and Mr. Das have already spoken about it and it has been the experience of many of us, if not all of us, that because of this control order it is very difficult to find drugs we need. The next Ordinance that has been brought forward within the ambit of the schedule is the Calcutta Rent Ordinance on which I think a Bill has been introduced and which is at the present moment on the anvil of the Legislature and we are discussing its provisions. Why then bring this Rent Ordinance within this Bill? I would ask you to consider whether it is at all necessary to have this Rent Ordinance Bill when we are considering the Bill itself. The Bengal Special Powers Ordinance has also been included herein and I would like to know why these powers are required by the Government. Who are the persons against whom these special powers are going to be used and why? Regarding the Bengal Consumers' Goods Ordinance, my friends have already stated that this Control is not at all necessary. Many items of the Consumers' Goods Ordinance are articles of luxury and if they are controlled there would not be any difficulty for the ordinary people. It is my idea that more the Control the more the black marketing and corruption. So every Government should decontrol the articles as soon as possible after the war. On the other hand we find here that our Government are trying to keep this control as long as possible. You cannot feed the people of this province. Your procurement policy is going to fail. The price of rice has gone up in every district and in spite of the assurance of the Chief Minister, I venture to predict that there will be a serious scarcity of foodstuffs in Bengal this year. Perhaps there may be a famine much more terrible than what we saw in 1943. Direct your action and your energy to those things which would save millions of people than going in for these special powers to gag the press or to stop the associations to hold meetings or to stop the political movement. Sir, we have already dealt with the various Ordinances more or less but before I conclude I would like to suggest once more that we should better give up control for the time being both as regards the different articles and men and let us see how Bengal fares and in the meantime let us all—all parties—meet together and consider how best we can accept the transfer of power from the British Government in the interest of all the people not only of this province but also of India.

**Mr. SATISH CHANDRA SEN:** Sir, this controversy over this piece of legislation seems to me to be a tempest in a tea pot. Now, Sir, the question that is before this House is this that there are certain Ordinances which have been promulgated long ago and which have been the actual law of the country for the time being for a temporary period they are now sought to be retained as law for a further period and for that purpose this Bill has been brought in. Now, the objections as far as I could gather, are two fold—one is, that the rule by Ordinances is bad and the other is that control is bad. With respect to the first,—I quite agree that it is bad. But here we are asked to make the provision of the Ordinance as law—on our passing the same they will be no longer Ordinance but the law of the country.

With respect to the other thing—regarding controls of different articles, we find the control everywhere—from birth to death. Control has been the order of the day. So, Sir, I do not find any objection to this aspect of the question. The only question that we can consider is whether certain provisions which are no longer necessary to be retained in the Ordinances should be continued or not. That is really the proposition that should be considered. Now for that purpose the matter has been brought before the Legislatures. It has been already considered in the Assembly and after considering the thing it has been passed. Yes, it may be that it has been passed by brute majority. But unfortunately in a democratic country the majority must rule. So I do not think we can possibly object to that. The same objection might be made and is made by the minority parties in the Congress provinces but that can be of no avail because the majority must rule and

the wishes of the majority must be carried. It is no question of right or wrong but that has been passed in the Assembly. In this House also the matter has been considered. We have passed the stage of consideration. Many controversial points have been raised and many arguments have already been advanced while the Bill was in the stage of consideration. But we are now at the third stage, at the third reading. Now over this question if we now again raise all these objections—I do not think that it would be reasonable for us to do so and thereby to cause delay. Why we should delay the consideration of this matter at this stage? But I quite agree that there is the right of the members to advance any argument they like at any available opportunity or at any stage. They can do it, but, as I pointed out, at this stage, at third reading stage, the present debate seems to me a tempest in a tea pot.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I would like to congratulate the House on having passed the Bill, for not having amended the Bill and for maintaining it in the form in which they received it from the Assembly. They have undoubtedly realised the urgency and the necessity of the Bill and consequently have used their discriminatory powers by passing it in the form in which they received it. I do not know why the honourable members opposite still insist on calling this Bill Ordinances. It is no more an Ordinance. It is now going to be an Act. It is no more a question of rule by Ordinances. An honourable member has asked me to assure him that these Ordinances or any particular Ordinance—I suppose he was particularly referring to the Special Powers Ordinance—will not be used in a discriminatory manner. I hardly think that any such assurance is called for. We have not used it in a discriminatory manner. As a matter of fact, if at all there are apprehensions on this side or that side of the House because these Ordinances confer more powers on Government, I should say that these Ordinances will be administered by persons, undoubtedly servants of Government, who perhaps belong in the main to the same persuasion as my friends opposite. I however have no doubt in my own mind that there is no cause for apprehension on the part of either side of the House. These Ordinances now about to be turned into law will be enforced without any distinction of whether the persons who will be affected by it belong to the Ministerial group or not, that is to say, whether he is in the opposition or otherwise. The honourable member has stated that there was no necessity for some of these measures as the ordinary law of the land would be sufficient to control lawlessness—these are the words that he used, Sir, as far as I remember. I do not know whether he really meant them or not. It is true that the ordinary law of the land is sufficient to control ordinary lawlessness, but these special powers are applicable not to ordinary lawlessness but to extraordinary lawlessness. He went further and stated that the promulgation of these Ordinances is equivalent to the "whipping of a nation". I think, however, that that is placing the matter too high. It is not at all equivalent to the whipping of a nation, but the whipping of the bad boys of a nation, and I think that on that point I am sure that all of us will agree that bad boys should be properly and adequately dealt with. In any event the Special Powers Ordinance which will now be passed for six months only and may be continued for another six months will be placed before this House, as also other Ordinances in the form of Bills, in the form of separate Bills, and members of this House will have an ample opportunity of amending them in a reasonable and suitable manner. I would also like to tell the House that the Special Powers Ordinance particularly will be brought in with a limitation of two years only. We do not propose to maintain the Ordinance on the Statute Book for a longer period than two years and we hope that it will not be continued thereafter, but I am sure that if an emergency arises for which the honourable members consider it desirable that it should be continued they will come up again before the House for extension.

One honourable member has suggested that Government should appeal to the people and the public for co-operation, and another member has asked what will be the attitude of Government regarding the future constitution. Sir, it is rather too early in the day to speak of the future constitution, as nobody yet knows what form it will take. I can however visualise that whatever may be the form, the Province of Bengal will attain independent status and under these circumstances, as I have stated elsewhere, it is highly desirable that Government should be carried on not only with the co-operation of all sections of the people but that all sections of the people should have a voice in the Government of the country. It is thus and thus only that the administration and the people in general will have confidence in Government and undoubtedly such a Government will work for Bengal. I hardly think it necessary for me to meet other points raised by the honourable members. Somebody spoke about tramways and the fact that we have not provided anything in the Ordinances for this. I do not think that it is necessary to have such Ordinances as there are laws already in existence to meet these cases. The Tramways Company has not effected a lock-out. The Tramways Company, it must be said to their credit, accepted the Government offer of adjudication, the previous conciliation having failed. The workers still remain adamant. It seems to me that apart from the coercive action which Government are most reluctant to take, the matter must be left to the employers and employees to settle among themselves, the Government stepping in for the purpose of maintaining peace and order. I hope a solution will be found but if a solution is not found I hope steps will be taken which will enable the tramways to function in the near future. There is no power yet in the hands of Government to take over such companies and to run the services through police and military as was being done during the war in other countries. Sir, Mr. Roy has adverted on several occasions to what he terms as undue submissiveness of this Government to the Central Government in continuing Control because the Central Government want those Controls to be continued. It is not a question of submissiveness at all; nor is it a question of falling into line with the Central Government. But when an article is controlled at the source and the source is in the hands of the Central Government, the provincial Government have no other alternative but to fall in line with the Central Government. But it is not a question of submissiveness. It is a question of natural sequence of events. In the circumstances I hope this House without more ado pass this Bill so that it may be enacted as soon as possible and placed on the Statute Book before the 17th of March.

**Mr. PRESIDENT:** The question before the House is that the Bill as settled in the Council be passed.

The motion was put and a Division taken with the following result:—

**AYES—32.**

Mr. Abdulla-al-Mahmud
Mr. Nur Ahmed
Rai Bahadur Dhirendra Lal Barua
Mr. Reajuddin Bhuiya
Khan Bahadur Syed Abdur Rasid Choudhury
Mr. Choudhury Moazzem Hossain
Mr. Hamidul Huq Chowdhury
Mr. Abdul Hamid Chowdhury
Khan Bahadur Abdul Latif Chowdhury
Mr. Syed Fazle Rabbi Chowdhury
Mr. Yusuf Ali Chowdhury
Mr. O. E. Clarke
Mr. D. J. Cohen, O.B.E.
Mrs. Labanyaprebha Dutt
The Hon'ble Mr. Abdul Gofran
Mr. A. M. Shaheedul Haque
Mr. G. J. K. Hook
The Hon'ble Mr. Saiyed Muazzamuddin Hossain
Mr. Latafat Hossain
Khan Sahib Mobarak Ali Khan
Mr. Abdul Latiff
Mr. George Morgan, C.I.E.
Mr. Tarak Nath Mukherjea
Khan Bahadur Ghyashuddin Pathan
Mr. Abdul Rashid
Mr. Amulyadhone Roy
Miss Ethel Robertson, C.S.M.G.
Mr. Satish Chandra Sen
Dr. Kasiruddin Talukdar
Mr. Md. Taufiq
Khan Sahib Maulvi Wahiduzzaman
Haji Md. Yusuf

NOES—12.

| | |
|---|---|
| Mr. Lalit Chandra Das | Rai Bahadur Jogendra Nath Ray |
| Mr. Bankim Chandra Datta | Mr. Biren Roy |
| Mr. Satish Chandra Jana | Mr. Biswanath Roy |
| Rai Bahadur Brojendra Mohan Maitra | Mr. Patiram Roy |
| Mr. Nagendra Nath Mohalanabish | Mr. Brojendra Kishore Roy Chowdhury |
| Mr. Bijoy Singh Nahar | Mr. Charu Chandra Sanyal |

The Ayes being 32 and the Noes 12 the motion was carried.

## The Bengal Acquisition of Waste Land Bill, 1947.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I beg to introduce the Bengal Acquisition of Waste Land Bill, 1947, and also to give notice that I shall move at short notice on the 19th March 1947 that the said Bill be referred to a Select Committee consisting of—

(1) Mr. Syed Fazle Rabbi Chowdhury,
(2) Mr. Abdul Latif Chowdhury,
(3) Chowdhury Moazzem Hussain,
(4) Mr. Sultanuddin Ahmad,
(5) Mr. Mukhleswar Rahman,
(6) Mr. Amulyadhone Roy,
(7) Mr. G. Morgan,
(8) Mr. Patiram Roy,
(9) Mr. Biren Roy,
(10) Mr. Lalit Chandra Das, and
(11) the mover,

with instructions to submit their report by the 31st March 1947 and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

This Bill was published in the *Calcutta Gazette Extraordinary*, on the 11th March 1947 and necessary number of copies of the Bill were sent by the Legislative Department to the Legislative Council Department for distribution to the members of the Council.

**Mr. LALIT CHANDRA DAS:** We want time to give our amendments.

**Mr. PRESIDENT:** I am suggesting 3 p.m. on the 17th March, i.e., the coming Monday.

**Mr. LALIT CHANDRA DAS:** We object to the Minister's statement regarding short notice. Why should he have a short notice for this?

**Mr. PRESIDENT:** Today is the 13th and the Hon'ble Minister is only moving for reference to Select Committee. There can be only two amendments, one that the Bill be circulated for eliciting public opinion and the other for change in the personnel of the Select Committee suggested by him.

**Mr. LALIT CHANDRA DAS:** There can be an amendment with respect to the time also within which the Select Committee is to report.

**Mr. PRESIDENT:** That should not require much time on your part. So you agree to my suggestion fixing 3 p.m. on Monday for putting in amendments.

**Mr. LALIT CHANDRA DAS:** No objection.

**Mr. PRESIDENT:** Can we take up the general discussion of the budget now?

**Mr. LALIT CHANDRA DAS:** To this I have my objection, Sir. Will you kindly hear me?

**Mr. PRESIDENT:** Yes, what is it?

**Mr. LALIT CHANDRA DAS:** We want two days and we would like to have the 17th and the 18th for the purpose. Today we have given about four hours' time to the Government for the passing of this Bill. We worked two hours in the morning, which is our scheduled time and over and above that, we have just now been sitting for more than one and half hours, or for one hour and 45 minutes to be exact. So we request that the general discussion of the budget should not be started today. It will have a very bad effect, Sir; besides many members from our side want to speak on the budget.

**Mr. PRESIDENT:** May I have the views of Mr. Morgan?

**Mr. GEORGE MORGAN:** About what?

**Mr. LALIT CHANDRA DAS:** Perhaps Mr. Morgan has not been listening. It is this: The question is whether the general discussion of the budget will start now. I am pointing out that we have already worked in the morning for two hours and this time we have worked for one hour and forty-five minutes, and this makes a total of 3 hours and 45 minutes. We are entitled to further two days for the general discussion of the budget. But if we start then the remaining portion of the day will be taken as a full day and only one day will remain. This is not considered fair by my party for many members of my party want to speak on the budget. Therefore I suggest that the discussion of the budget may take place on the 17th and 18th, for full two days. That is what I was suggesting to the Chair.

**Mr. GEORGE MORGAN:** In that case my opinion is that the 17th and the 18th would be the best suitable days to have the budget discussion and finish it.

**The Hon'ble Mr. MOHAMMED ALI:** We have no objection on this side. But could we not have the debate on the supplementary estimates on the 18th also?

**Mr. PRESIDENT:** Let us see what progress is made.

**Mr. LALIT CHANDRA DAS:** We would rather have the discussion on the supplementary estimates on Wednesday, the 19th.

**Mr. PRESIDENT:** The Finance Minister will perhaps require three quarters of an hour to reply to the discussion——

**The Hon'ble Mr. MOHAMMED ALI:** I shall require at least one hour, Sir. I could not do justice to the subject in less than one hour.

**Mr. PRESIDENT:** Then, how much time will be left for the others? So supplementary estimates cannot be taken up on the 18th.

**The Hon'ble Mr. MOHAMMED ALI:** Very well, Sir.

**Mr. PRESIDENT:** All right. The House stands adjourned till 2-15 p.m. tomorrow.

## Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 14th March, 1947.

**Members absent.**

The following members were absent from the meeting held on the 13th March, 1947:—

(1) Mr. Hemendra Kumar Das,
(2) Mr. Kamini Kumar Dutta.
(3) Khan Bahadur Shaikh Fazal Ellahi,
(4) Mr. Mangturam Jaipuria,
(5) Khan Bahadur Alhadj Shaikh Muhammad Jan
(6) Mr. Humayun Z. A. Kabir,
(7) Alhaj Yar Ali Khan,
(8) Mr. Syed Abdul Majid,
(9) Mr. T. B. Nimmo,
(10) Dr. Kumud Sankar Ray and
(11) Mr. Sultanuddin Ahmed

# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947—No. 18.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 14th March, 1947, at 2-15 p.m., being the 18th day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. Deputy President (Mr. ABDUL HAMID CHOWDHURY, J.P.) was in the Chair.

### Laying of Appropriation Accounts for 1944-45, Audit Report, 1946 and Finance Accounts for 1944-45.

**The Hon'ble Mr. MOHAMMED ALI:** In compliance to Section 169 of the Government of India Act, 1935, I beg to lay before the Council the Appropriation Accounts for 1944-45 and the Audit Report, 1946, as also the Finance Accounts for 1944-45 and the Audit Reports, 1945.

**Mr. HARIDAS MAZUMDAR:** Sir, I rise on a point of order. My point is this that these accounts were audited but this House has no representation in the Public Accounts Committee which examined the accounts of these reports. I understand that they will be published under the authority of the Bengal Legislative Council. When we have no hand in the matter we cannot allow our names to be associated with the publication of these accounts. We have had no opportunity of discussing and examining them and therefore my point is that they should not be published under the authority of the Bengal Legislative Council. So it is useless to present the accounts report here.

**Mr. LALIT CHANDRA DAS:** Sir, may I have your permission to move a short-notice motion for the purpose of referring this to a Committee of this House so that this Committee may go through the report and then submit a report to this House?

**Mr. DEPUTY PRESIDENT:** At this stage you cannot do that because it has been presented. This is not the occasion to move the motion. As regards the point raised by Mr. Mazumdar, I fully appreciate it. It is not a new question. It is an old question which has been agitating the mind of this House for a long time. Several times this question was raised on the floor of this House and several times it tried to come to a decision but that decision is not in sight as yet. A few days back, as far as I remember, when this question was raised, the Hon'ble President informed the House that the matter is receiving his consideration. I believe it is still under consideration. The Hon'ble the Finance Minister has presented the Accounts and we are to receive them without comment. About our representation on the Public Accounts Committee the Government have not yet come to any decision and they are expected to come to a decision, if any decision is to be arrived at at all.

**Mr. HARIDAS MAZUMDAR:** My point is that this should not be published under our authority, i.e., under the authority of the Bengal Legislative Council.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, with your permission, may I clarify the position. Government will take some time to arrive at a decision on this point. In fact, Government decided to extend the representation on the Public Accounts Committee to this House, but Government

could not implement that decision as there was some legal difficulty. A conference was held between the Hon'ble President and the Hon'ble Speaker. It was decided at the conference that the matter should be referred to the Advocate-General for his opinion if a Public Accounts Committee can be formed with the members of the Upper House included in it and whether that will be *intra vires* of the Government of India Act, 1935. As far as I remember a few days back I received the views of the Advocate-General and his opinion is that a joint committee of Public Accounts will be *ultra vires* of the Government of India Act, 1935. So, we shall again have to examine the question. We fully sympathise with the sentiments of the honourable members of the Upper House that they should take part in the discussion of the Public Accounts Committee. Government likes to be on the safe side and they cannot give effect to any decision which may be *ultra vires* of the Government of India Act, 1935.

**Sir MD. AZIZUL HAQUE, Khan Bahadur:** I think the House might remember that this question has been engaging the attention of this House since the inauguration of the Provincial Autonomy. In the very beginning the whole question was thoroughly gone into. As the Finance Minister has already pointed out, there are certain things which are not within the competence of this House to discuss, namely, the question of finance. This is really in the background of this whole question. I distinctly remember that this question of the representation of the members of the Upper House on the Public Accounts Committee was thrashed out on many occasions. And the difficulty is experienced not only in the other provinces in India where there are two chambers but also in other countries where there are more than one representative institutions. Now, Sir, perhaps this Government of India Act, 1935, will be scrapped up by June 1948 and till then we might have to experience this difficulty. Of course there are certain powers which we would like to have, but we cannot. The Hon'ble the Finance Minister says that the Government are considering the question again, but I can well visualize what the result of that examination will be. The resulting examination cannot overlap the statutory provisions of the law on the subject of the Public Accounts Committee. The Public Accounts Committee are more or less in the nature of keeping check over the budget grants that are made. This House have not the power to sanction the budget. It is the other House which have got the power. That House which should sanction the grants have the inherent right to see that the grants which are sanctioned are spent within the purview of the budget, i.e., exactly within the scope of the budget. I do feel that probably a change in the constitution may be necessary with a view to see that certain powers as regards finance are conferred on this House also. But so long as the power of sanctioning the grant lies with another House, only that House have the power to see that the grants are properly spent. Anyone who has read the report of the Public Accounts Committee will see that the Accountant-General has reported to what extent the grants under the different heads have been spent, under what heads the grants have been fully spent, under what heads the grants have not been fully utilised and under what heads the grants have been exceeded and the expenditure incurred. Now if my friend's suggestion is accepted—to which I have not the least objection—not merely the question of representation of this House on the Public Accounts Committee will arise but also the competency of this House, whether the House have got the power over this budget will arise and that is also to be considered. I am only drawing attention to the fact that it is not merely a question of representation of this House on the Public Accounts Committee but also the question of the right of this House as to whether they should have the power of discussing about the grants.

**Mr. LALIT CHANDRA DAS:** Sir, I missed the point which has been raised by Sir Azizul Haque in this matter. It is not a question of our interference in financial matters. I agree that the right to admit or not to

admit the financial demands lies with the other House, lies with the Assembly; but the whole point is quite different. After the demands are actually granted by the Assembly, how the sums of money are spent, how they are appropriated, those are matters which are examined by the members of the Assembly. Now all that we do want is this, not that we want to interfere in financial matters in any way, nothing of the sort, because the power vests in the members of the Assembly to sanction the grants; but that when a certain demand has been allowed, has been granted, we want to see whether action was taken in accordance with that grant. We want to examine the accounts to see whether the accounts are in proper order. That is not interference in financial matters. Nor do we arrogate to ourselves the right to refuse or to grant any demands. After the thing is actually done and finished the matter begins, namely, a Committee of this House as well as of the other House examine whether things have been properly done. It is in this view of the matter that the Government realized that this House is really not going to interfere in the financial matters but only they are asking for the right to see whether things have been done properly in accordance with what was granted or refused in the Assembly. It is with that view that the Government actually agreed to admit two members of this House in a joint committee with the Assembly. Government have already yielded to that point. The matter was then referred on the advice of the President and the Speaker of this House and the other House to the Advocate-General whether to do so would be right and proper and the Advocate-General reports as a matter of fact that the joint committee would be *ultra vires* of the Act. If that is so, let us have a separate committee. That is what we want, to have a separate Committee for the purpose of examining the Appropriation Accounts presented. By this we do not mean to arrogate to ourselves the power or the right to sanction or to refuse to sanction a particular grant. That has already been done and finished. All that we do want is only to examine whether things have been properly done, whether what was granted was actually spent and if not why it was not spent. As a matter of fact you will see that my position is correct. We have no power to allow or refuse to grant any money but even then the budget is actually presented to this House for discussion; because the budget is presented for discussion it cannot be said that we cannot offer criticism. That is not the position, Sir. The position is that all that we can offer is criticism, and no interference with the inner mechanism of the budget. Here, also, the Appropriation Accounts, etc., are presented not for the purpose of granting or refusing any money but only for the purpose of seeing whether the sums of money voted have been spent in accordance with the grants. And this is not interfering with financial matters at all, nor is it arrogating to ourselves the power either of granting or refusing money. When the position now is to the effect that a Joint Public Accounts Committee of both Houses cannot be allowed I appeal to the Finance Minister to see whether he cannot arrange for a separate committee of this House only for the purpose of examining the appropriation accounts. Even if a Joint Committee is declared to be *ultra vires* of the Government of India Act, he should allow a separate accounts committee of the Upper House to see whether the accounts have been properly managed by the Government; I hope he will be pleased to reply to this point raised by me.

**Mr. HARIDAS MAZUMDAR:** Sir, with reference to my point am I to understand, as has been already pointed out, that the Report will not be published under the authority of this House? If so, then may I move that this will not be published under the authority of the Bengal Legislative Council? Will you allow me to move a motion to this effect?

**Mr. DEPUTY PRESIDENT:** Well, that is perfectly understood.

**Mr. HARIDAS MAZUMDAR:** Can you give an assurance that it will not be published under the authority of this House?

**Mr. BIREN ROY:** Sir, there is another aspect of the thing. We can take it that the Hon'ble Finance Minister is very much interested in upholding the dignity of the House and is quite prepared to give representation to this House in the Joint Committee that was once proposed. But quite apart from the illegality of the thing, as Mr. Azizul Haque has pointed out, I say that there is no bar in the Government of India Act, 1935, to allow the Finance Minister to bring in a Finance Bill before the House to give the House power to vote upon the Bill. There is no question of refusing or granting any money but if he brings in a Finance Bill purely, then in that case we can discuss the appropriations and that is done so far as I know wherever there is a second chamber in any country. On the other hand if that power is given to us we can go into committee and that will obviate all irregularities and illegalities. If a suitable finance bill is brought forward by the Finance Minister so that members can take their part either in refusing the bill or giving supplies to the Finance Minister.

**Sir MUHAMMAD AZIZUL HAQUE, Khan Bahadur:** May I suggest an alternative and it is this:—I think my point has been misrepresented. I made my point quite clear. Suppose Mr. Das advances a sum of Rs.500 to B and Mr. Haque comes in and says that he has got the right to look into the accounts——

**Mr. LALIT CHANDRA DAS:** Unless the matter were referred to Mr. Haque then certainly he would have no right to look in——

**Sir MUHAMMAD AZIZUL HAQUE, Khan Bahadur:** My sole point was not whether the House should have the right of having a Public Accounts Committee, but once the right of sanctioning a budget is in possession of the other House, it is a question whether under the present Constitution we can have a look into the expenditure of the accounts.

**Mr. BIREN ROY:** That is why I suggest that a Finance Bill be brought forward.

**Sir M. AZIZUL HAQUE, Khan Bahadur:** But, Sir, the point which has been raised for the second time is quite different and that point is this that future presentation of the Appropriation Accounts to this House, as this House has a right to discuss the Appropriation Accounts as the presentation of the Budget, that can also be discussed. This is a question which is not free from difficulty. Here we are acting according to the provisions of the Government of India Act——

**The Hon'ble Mr. MOHAMMED ALI:** May I intervene, Sir, at this stage? As far as the reports on the Public Accounts are concerned, they are discussed both in the Lower and the Upper House.

**Mr. LALIT CHANDRA DAS:** May I draw the attention of the House to sections 107 and 108 of the Bengal Legislative Council Procedure Rules? Section 107 says—"When the accounts of the province and the report of the Auditor-General thereon have been laid before the Council, the Secretary shall cause them to be published....." Is it the duty of the Secretary? and then it goes on—"and a copy of the accounts and the reports shall be made available for the use of each member". That is the rule which has been adopted by the Government. Then, Sir, section 108 says—"No discussion of the accounts of the province and the reports of the Auditor-General thereon shall take place in the Council until the report of the Committee on Public Accounts on such accounts and reports has been presented to the Council under rule 109". Rule 109 says—"The report of the Committee on Public Accounts on the accounts of the province and the reports of the Auditor-General thereon shall be presented to the Council by the Finance Minister". Now, Sir, all these sections read together means after that is done "the Secretary shall cause them to be published" and after that they will have the right of discussion. The right of discussion is conceded

by section 105, namely "No discussion of the accounts of the province and the reports of the Auditor-General thereon shall take place in the Council until the report of the Committee on Public Accounts....." So it is a clear implication that not only it will be presented under Rules 107 to 109 but the further thing that is allowed by the rule is that the Secretary shall cause the reports to be published and made available to the members and then we shall have a right to discuss that subject.

**The Hon'ble Mr. MOHAMMED ALI:** That is what I also said. You can discuss it.

**Mr. LALIT CHANDRA DAS:** Can we discuss it?

**The Hon'ble Mr. MOHAMMED ALI:** Yes.

**Mr. LALIT CHANDRA DAS:** All right, Sir, as soon as we are in possession of the report we shall arrange it according to our choice. We shall have a Committee of the House. We shall arrange our own affairs according to our convenience as soon as a copy of the report is made available to us. We will have a discussion on the report, but how we will have that discussion you have no right to dictate. We shall ask the Committee to examine the report and submit a report on it. Now, Sir, the Hon'ble Finance Minister really realised all these difficulties and realising all this he was agreeable to have two members in the Public Accounts Committee but difficulty has been raised by Sir Azizul Haque by a strange speech.....

**Sir M. AZIZUL HAQUE, Khan Bahadur:** I am afraid my friend Mr. Das is misrepresenting my speech.....

**Mr. LALIT CHANDRA DAS:** Will you allow me to finish? The Finance Minister realised the difficulty, had sympathy and yielded to our demand that there should be two members on the Committee in order to minimise the business but asked that there should be a joint committee and we agreed. We want a committee of our own. Let us have a committee of our own. The Advocate-General has expressed the view that a joint committee will be *ultra vires* but there is nothing to prevent us from having a committee of our own. Our committee will report and we will have discussion on these accounts. Report of the Committee means the Committee of this House, it cannot be the Report of another House We have nothing to do with the Accounts considered by the other House. Let not this presentation of these Accounts be a mere farce, a joke to this House. Rule 108 of the Bengal Legislative Council Procedure Rules gives us the power, gives us the right to have a committee of our own. All that I request is to allow me to move a motion that we want to have a Committee of the Public Accounts of our own. I shall move that at a short notice. I hope the Finance Minister will agree to this. I understand the honourable members of the House have no objection to the moving of such a motion.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, may I make the position clearer? When I said that the matter was receiving further consideration of Government I meant to say that we were trying to explore other avenues to come to a conclusion on this matter, to meet the demands of the honourable members of this House. We want to examine whether it is feasible to have in the Upper House a Committee which will be *intra vires* of the Government of India Act. I think it can be done, but I cannot make any commitments at this stage. Mr. Lalit Chandra Das is accustomed always to see the dark side of the Government and imputes motives to the Government. But that is not a fact. We are sympathetically considering the matter and we feel that the Upper House should be represented in the Public Accounts Committee. The honourable members have waited for a long time and I would earnestly request them to wait for a fortnight more by which time we think we might come to a decision.

**Mr. HARIDAS MAZUMDAR:** On a point of order, Sir. My point is that the Secretary of this House will not publish the Report of another House.

**Mr. HAMIDUL HUQ CHOWDHURY:** Sir, I submit that this question should not be treated as a party question. It should be treated as a privilege of this House. So, if you so wish this question may be discussed when the Hon'ble President is present in the House. It is useless to consider a Report examined by the other House. This matter may be brought in the form of a Resolution next Friday. This question was not decided for good in the last 8 or 9 years. So, on this occasion also I am not very sanguine whether the present Ministry will be able to solve the problem. I do not think they will come to a satisfactory solution. In the meantime I would suggest that Mr. Lalit Chandra Das's proposal might either be made today, I mean his motion may be moved today or later, in any case not later than Friday next.

**Mr. LALIT CHANDRA DAS:** Mr. Deputy President, I would request you to see section 108 of our Procedure Rules and request that it be given effect to and I be allowed to move a short notice motion. The Finance Minister is present and has presented the Appropriation Accounts, etc. Under Rule 108 we may have a committee of our own and they must discuss these Appropriation Accounts. So please allow me, Mr. Deputy President, to move a short notice motion to the following effect, I want to read it suggesting the names of the committee that is to be formed under Rule 108.

**Sir MUHAMMAD AZIZUL HAQUE, Khan Bahadur:** May I make a suggestion to the Opposition, to my friends over there, to consider whether, in view of the announcement made by the Finance Minister that he will make some announcement within a fortnight, we cannot wait for a fortnight.

**Mr. LALIT CHANDRA DAS:** Everything may or may not be well up to that time. We want to proceed.

**Mr. DEPUTY PRESIDENT:** This is a controversial point: it is not a new thing. I have already stated that this question has been raised off and on in this House and it is now pending for years together and yet no decision has been arrived at. In view of the proposal of Mr. Hamidul Huq Chowdhury and Mr. Das I do not want to give any ruling or decide the issue on my own. I think it should be my duty to be guided by the wisdom of the House and it is for the House to decide whether they should wait for a few days more or allow the resolution which my friend Mr. Das wants to move, to be moved today. If it is the desire of the House that they cannot wait any longer and they should have the resolution moved here and now I have no objection.

**Mr. LALIT CHANDRA DAS:** I beg to move that the Appropriation Accounts---

**The Hon'ble Mr. FAZLUR RAHMAN:** On a point of order, Sir.

**Mr. LALIT CHANDRA DAS:** You are not a member of this House. You are a hostile member. On a point of order, Sir. This cannot be taken up in this House today, as that is not down on the Order Paper. Today is a non-official day and there can be no special resolution on such a controversial matter. I do not like, Sir, that one House should take up an attitude which may lead to a quarrel between the two Houses.

**Mr. HAMIDUL HUQ CHOWDHURY:** I am sorry that an Hon'ble Minister has raised the question of controversy between the two Houses. It is very unhappy. There is absolutely no controversy and no suggestion of a controversy should be given especially by a Minister in this respect. The matter has come before this House for discussion and the efficient and the best way of discussing it is first to set up a committee of this House to examine the details first and then leave it to this House to go further into

the matter. It cannot be said that it is a question which is beyond the power of this House nor can it be said to raise a question of a quarrel between the two Houses. The statement which the Hon'ble Minister made is very unfortunate. As regards admission of a special motion that Mr. Das likes to move today in this regard I should say that if the House is unanimous that it is a very important resolution and it should be moved first I think the House can change the order of business of today to allow of that special motion being moved and I believe they are competent to do so without violating any Rules of the Council.

**Mr. CHOWDHURY MOAZZEM HOSSEIN:** I suggest that the special motion be postponed till Friday next.

**Mr. LALIT CHANDRA DAS:** It is in the order paper: we have got it and it arises from the appropriation reports and the audit report.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, I associate myself with what has been said by my colleague the Hon'ble Mr. Fazlur Rahman and I would like to supplement the objection that he has raised by saying this: I refer to the Bengal Legislative Council Procedure Rule 22(2) where it is said that no business not included in the order paper for the day shall be transacted at any meeting without the leave of the President. So the statement that Mr. Deputy President has made that he is entirely in the hands of the House in this matter is not quite correct. The power to allow or disallow has been vested in him alone.

**Mr. BIREN ROY:** Sir, this is almost a reflection on the Chair, and the Hon'ble Minister should be asked to withdraw his remarks.

**The Hon'ble Mr. MOHAMMED ALI:** I have said nothing wrong. I have only drawn attention to the fact that the decision in the matter does not rest with the House. The words "without the leave of the President" would mean that Mr. Deputy President is not entirely in the hands of the House. His consent is necessary before such a motion can be moved, and he is at liberty to withhold such consent.

**Mr. DEPUTY PRESIDENT:** I am afraid the Hon'ble Finance Minister is labouring under a misconception. The question has been raised as a question of Privilege of the House and such a question can be raised at any moment.

**The Hon'ble Mr. MOHAMMED ALI:** I am afraid the Chair has misunderstood me. I have only stated that a resolution which is not on the Order Paper can only be moved with the consent of the President only.

**Mr. HAMIDUL HUQ CHOWDHURY:** This means the President or any other presiding officer. In the absence of the President the Deputy President for the purposes of the House exercises all the functions of the Chair; otherwise there is no sense in having a Deputy President.

**Mr. LALIT CHANDRA DAS:** I beg to move that the Appropriation Accounts for 1944-45 and Audit Report, 1946, and the Finance Accounts for 1944-45 and the Audit Report, 1945, be referred to a Committee consisting of the following to report thereon within a fortnight from date:—

The Hon'ble Minister in charge of the Finance Department,
Mr. Nur Ahmed,
Mr. Hamidul Huq Chowdhury,
Mr. George Morgan,
Mr. Haridas Mazumdar,
Mr. Biren Roy, and
the mover,

and that the number of members whose presence shall be necessary to form a quorum shall be three.

**Sir MUHAMMAD AZIZUL HAQUE, Khan Bahadur:** Sir, may I again say for the sake of peace and amity: It seems that what I have been pointing out all along this day has not been understood——

**Mr. CHOWDHURY MOAZZEM HOSSEIN:** Sir, I cannot allow as long as 15 days for the purpose for the Finance Minister to arrive at a decision, but let us wait for 7 days, that is, till next Friday.

**Mr. HARIDAS MAZUMDAR:** Sir, I support the motion moved by my friend Mr. Lalit Chandra Das. This matter has been hanging fire for a long time and I think no further time should be allowed, and the sense of the House may be taken on it.

**Mr. DEPUTY PRESIDENT:** Order, order. I take it that it is the pleasure of the House that some motion should be moved on this point by this House. I have considered it from all points of view. I have also taken into account the objection raised on behalf of the Government. Now, may I request the House to wait till Friday next to bring this motion before the House? May I take it that it is accepted?

**Mr. LALIT CHANDRA DAS:** Yes.

**Sir M. AZIZUL HAQUE, Khan Bahadur:** May I take it that in the meantime it is open to any member of the House to give notice of any motion relevant to the issue?

**Mr. DEPUTY PRESIDENT:** Yes.

## GOVERNMENT BILL.

### The Bengal Pure Food Bill, 1947.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, with your permission I beg to introduce the Bengal Pure Food Bill, 1947, which was published in the *Calcutta Gazette* on the 8th March 1947. I also give notice that I shall move at short notice that the Bill be taken into consideration on the 31st March 1947 and also move on the same day that the Bill as settled in the Council be passed.

**The SECRETARY (Dr. S. K. D. Gupta):** The Bengal Pure Food Bill, 1947.

**Mr. DEPUTY PRESIDENT:** The Bill is introduced.

**Mr. LALIT CHANDRA DAS:** Sir, it is not in the Order Paper. Today is the non-official day.

**Mr. BIREN ROY:** We have so many Bills to move and introduce.

**The Hon'ble Mr. MOHAMMED ALI:** Do we understand that the honourable members do not want pure food in the province?

**Mr. DEPUTY PRESIDENT:** It is simple introduction.

**Mr. BIREN ROY:** So, Sir, the other introductions also may take place before discussion of Bills in the order presented takes place.

**Mr. DEPUTY PRESIDENT:** All right. Now as regards the Pure Food Bill some time will have to be fixed within which the members might put in their amendments. May I fix the 24th of March?

**Mr. BIJOY SINGH NAHAR:** This is a very big Bill. It may have to go to Select Committee.

**The Hon'ble Mr. MOHAMMED ALI:** This Bill was refererd to a Select Committee and it has come out of the Select Committee. Because the Bill lapsed it had to be reintroduced. The point is this that this Bill was

introduced in the Lower House and there it was referred to a Select Committee and we have already incorporated the recommendations of the Select Committee in this Bill which is now being introduced in the Upper House here. There will be no purpose in sending it to the Select Committee again.

**Mr. DEPUTY PRESIDENT:** So I fix the 24th of March for amendments.

**Mr. LALIT CHANDRA DAS:** In this time for amendments meant only for amendments such as that the Bill be circulated for the purpose of eliciting public opinion thereon, etc., or——

**Mr. DEPUTY PRESIDENT:** All sorts of amendments including amendments for the existing clauses of the Bill. I have allowed you ten days' time.

## NON-OFFICIAL BILLS.

### The Criminal Procedure (Bengal Amendment) Bill, 1947.

**Mr. NAGENDRA NATH MOHOLANOBISH:** Sir, I beg to move for leave to introduce the Criminal Procedure (Bengal Amendment) Bill, 1947.

**Mr. DEPUTY PRESIDENT:** Order, order. Is it the pleasure of the House to grant leave to Mr. Nagendra Nath Moholanobish to introduce the Criminal Procedure (Bengal Amendment) Bill, 1947?

(There was no objection.)

**SECRETARY:** The Criminal Procedure (Bengal Amendment) Bill, 1947.

**Mr. DEPUTY PRESIDENT:** The Bill is introduced.

### The Bengal Municipal (Amendment) Bill, 1946.

**Mr. NUR AHMED:** Sir, I beg to move for leave——

**The Hon'ble Mr. MOHAMMED ALI:** Sir, I rise on a point of order. This Bill requires the previous sanction of the Governor and I believe that sanction has not been granted. The Bill therefore cannot be introduced.

**Mr. HAMIDUL HUQ CHOWDHURY:** Sir, may I enquire if it is not possible to devise some ways and means by which members' Bills may be actually taken up for consideration in view of a large number of Bills that are being introduced and sent to Select Committees? The effect of all this is that every Bill kills the other Bill.

**Mr. DEPUTY PRESIDENT:** The previous sanction of the Governor not having been obtained, the Bill cannot be introduced.

### Extension of time for submission of Select Committee's Report.

**Mr. NUR AHMED:** Sir, may I formally move two similar motions, of which I have duly given notice?

One is that the Council is of opinion that time for submission of the Report of the Select Committee on the Eastern Bengal Disorderly House (Amendment) Bill be extended up to the 31st October, 1947.

### The Bengal Land-revenue Sales (Amendment) Bill, 1946.

**Mr. BIREN ROY:** I beg to move for leave to introduce the Bengal Land-revenue Sales (Amendment) Bill, 1946.

**Mr. DEPUTY PRESIDENT:** Is it the pleasure of the House to allow the member leave to introduce the Bengal Land-revenue Sales (Amendment) Bill, 1946?

(There was no objection.)

**SECRETARY:** The Bengal Land-revenue Sales (Amendment) Bill, 1946.

**Mr. DEPUTY PRESIDENT:** The Bill is introduced.

### The Criminal Procedure (Bengal Second Amendment) Bill, 1947.

**Mr. NAGENDRA NATH MOHOLANOBISH:** I beg to move for leave to introduce the Criminal Procedure (Bengal Second Amendment) Bill, 1947.

**Mr. DEPUTY PRESIDENT:** Is it the pleasure of the House to allow the member leave to introduce the Criminal Procedure (Bengal Second Amendment) Bill, 1947?

(There was no objection.)

**SECRETARY:** The Criminal Procedure (Bengal Amendment) Bill, 1947.

**Mr. DEPUTY PRESIDENT:** The Bill is introduced.

### The Bengal Suppression of Immoral Traffic (Amendment) Bill, 1946.

**Mr. NUR AHMED:** I beg to move for leave to introduce the Bengal Suppression of Immoral Traffic (Amendment) Bill, 1946.

**Mr. DEPUTY PRESIDENT:** Is it the pleasure of the House to allow the member leave to introduce the Bengal Suppression of Immoral Traffic (Amendment) Bill, 1946?

(There was no objection.)

**SECRETARY:** The Bengal Suppression of Immoral Traffic (Amendment) Bill, 1946.

**Mr. DEPUTY PRESIDENT:** The Bill is introduced

### The Bengal Municipal (Amendment) Bill, 1947.

**Mr. NAGENDRA NATH MOHOLANOBISH:** I beg to move for leave to introduce the Bengal Municipal (Amendment) Bill, 1947.

**Mr. DEPUTY PRESIDENT:** Is it the pleasure of the House to allow leave to the member to introduce the Bengal Municipal (Amendment) Bill 1947?

(There was no objection.)

**SECRETARY:** The Bengal Municipal (Amendment) Bill, 1947.

**Mr. DEPUTY PRESIDENT:** The Bill is introduced.

### The Bengal Public Gambling (Amendment) Bill, 1946.

**Mr. NUR AHMED:** I beg to move for leave to introduce the Bengal Public Gambling (Amendment) Bill, 1946.

**Mr. DEPUTY PRESIDENT:** Is it the pleasure of the House to allow leave to the member to introduce the Bengal Public Gambling (Amendment) Bill, 1946.

(There was no objection.)

**SECRETARY:** The Bengal Public Gambling (Amendment) Bill, 1946.

**Mr. DEPUTY PRESIDENT:** The Bill is introduced.

### The Bengal Release on Probation and Temporary Release of Prisoners Bill, 1946.

**Mr. NUR AHMED:** I beg to move for leave to introduce the Bengal Release on Probation and Temporary Release of Prisoners Bill, 1946.

**Mr. DEPUTY PRESIDENT:** Is it the pleasure of the House to allow the member leave to introduce the Bengal Release on Probation and Temporary Release of Prisoners Bill, 1946?

(There was no objection.)

**SECRETARY:** The Bengal Release on Probation and Temporary Release of Prisoners Bill, 1946.

**Mr. DEPUTY PRESIDENT:** The Bill is introduced.

### The Bengal Urban Poor and Unemployed Relief Bill, 1947.

**Mr. NUR AHMED:** I beg to move for leave to introduce the Bengal Urban Poor and Unemployed Relief Bill, 1947.

**Mr. DEPUTY PRESIDENT:** Is it the pleasure of the House to allow the member leave to introduce the Bengal Urban Poor and Unemployed Relief Bill, 1947?

(There was no objection.)

**SECRETARY:** The Bengal Urban Poor and Unemployed Relief Bill, 1947.

**Mr. DEPUTY PRESIDENT:** The Bill is introduced.

Now the House will take up the consideration of the Usurious Loans Bill.

### The Usurious Loans (Bengal Amendment) Bill, 1940.

**Mr. DEPUTY PRESIDENT:** The House will now take up consideration of the Usurious Loans (Bengal Amendment) Bill, 1940, clause by clause.

*Clause 1*

**Mr. DEPUTY PRESIDENT:** Clause 1 stand part of the Bill.

**Mr. NUR AHMED:** Sir, with your permission I want to move a short-notice amendment——

**Mr. DEPUTY PRESIDENT:** You cannot move it. Let some other honourable member move it on your behalf.

**Mr. ABDUL RASHID:** Sir, I beg to move that in place of "1944" the figure "1947" be substituted.

**Mr. HAMIDUL HUQ CHOWDHURY:** It will then lose its antiquity value.

**Mr. DEPUTY PRESIDENT:** Amendment moved that in place of "1944" the figure "1947" be substituted.

The question before the House is that in place of "1944" the figure "1947" be substituted.

(The motion was put and agreed to.)

**Mr. DEPUTY PRESIDENT:** The question before the House is that clause 1 as amended stand part of the Bill.

(The motion was put and agreed to.)

*Clause 1A.*

**Mr. DEPUTY PRESIDENT:** Clause 1A stand part of the Bill.

The question before the House is that clause 1A stand part of the Bill.

(The question was put and agreed to.)

**Mr. DEPUTY PRESIDENT:** The question before the House is that clauses 2 and 3 stand part of the Bill.

(The question was put and agreed to.)

**Mr. DEPUTY PRESIDENT:** The question before the House is that the Title and the Preamble be added to the Bill.

(The question was put and agreed to.)

**Mr. NUR AHMED:** Sir, I beg to move that the Usurious Loans (Bengal Amendment) Bill, 1947, as settled in the Council, be passed.

Sir, this is a very simple amending Bill. The Usurious Loans Act was passed in 1918. Its principal object was to give relief in all kinds of loan to the debtors in case of excessive and unfair rates of interest and in other ways. The Central Banking Enquiry Committee and some of the Provincial Banking Enquiry Committees found that that Act was practically a dead letter and had been made very little use of by the Indian Courts owing to the defects in section 3 of this Act. There are two conditions precedent which are to be complied with before a court can exercise power under this section. The first condition is in section 3(*1*)(*a*) "the interest is excessive" and the second condition is in section 3(*1*)(*b*) that "the transaction between the parties was substantially unfair". The two conditions are connected by the word *and* and so the court will see if both the conditions are fulfilled before taking action. Now according to this amending Bill the conjunction *and* is converted into *or* so that the court cannot insist on the fulfillment of both the conditions. Either (*a*) or (*b*) will suffice for the purpose of their taking action. In the absence of such a change the court may or may not use their discretionary powers to give relief to a debtor. Now by this amendment it is compulsory upon the court to take action. This is a very useful amendment and I commend my amending Bill, namely, the Usurious Loans (Bengal Amendment) Bill, 1947, for the acceptance of the House.

**Mr. DEPUTY PRESIDENT:** Motion moved that the Usurious Loans (Bengal Amendment) Bill, 1947, as settled in the Council, be passed.

The question before the House is that the Usurious Loans (Bengal Amendment) Bill, 1947, as settled in the Council, be passed.

(The question was put and agreed to.)

## The Bengal Court of Wards (Amendment) Bill, 1940.

**Mr. NUR AHMED:** As regards this Bill the first reading is already over and the motion for consideration was passed. Now the second and third readings are to be taken up.

**Mr. DEPUTY PRESIDENT:** Yes, the House will now take up consideration of the Bengal Court of Wards (Amendment) Bill, 1940, clause by clause.

**Mr. NUR AHMED:** I beg to move that the Bengal Court of Wards (Amendment) Bill, 1940, be taken into consideration, clause by clause.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, there will be some short notice amendments from the Government side.

*Clause 1.*

**Mr. DEPUTY PRESIDENT:** The question before the House is that clause 1 stand part of the Bill.

(The question was put and agreed to.)

*Clause 2.*

**Mr. DEPUTY PRESIDENT:** The question before the House is that clause 2 stand part of the Bill.

(The question was put and agreed to.)

*Clause 2A.*

**Mr. DEPUTY PRESIDENT:** The question is that clause 2A stand part of the Bill.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I beg to move an amendment which is in the nature of a drafting amendment, namely, that for 2A of the Bill, the following clause be substituted, namely:—

2A. In section 5 of the said Act, for the second paragraph commencing with the words "it shall deal" and ending with the words "provisions of the Act", the following shall be substituted, namely, "it shall deal with every person and every property which may be placed under its charge in accordance with the provisions of this Act or of which it may take or retain charge under this Act".

This is merely a drafting amendment, Sir, to make matters clear and this is also an improvement on the draft as in the Bill.

The amendment was put and agreed to.

The question that clause 2A as amended stand part of the Bill was then put and agreed to.

*Clause 3.*

**Mr. DEPUTY PRESIDENT:** The question is that clause 3 stand part of the Bill.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, as I have intimated, I beg to move another short notice amendment, namely, that in clause 3 of this Bill, for the proposed section 6B, the following section be substituted, namely:—

6B. When in respect of any proprietor an order is made by the Provincial Government under section 6 or section 6A,—

(*a*) the Court shall take charge of all the property of such proprietor within its jurisdiction and may in its discretion also take the charge of the person of such proprietor if such proprietor is resident within its jurisdiction, and

(*b*) the Court may in its discretion also take the charge of the person and property of any minor member of the family of such proprietor who has an immediate or reversionary interest in the property of such proprietor.

**Mr. DEPUTY PRESIDENT:** Amendment moved that in clause 3 of the Bill, for the proposed section 6B the following section be substituted, namely:—

6B. When in respect of any proprietor an order is made by the Provincial Government under section 6 or section 6A,—

(*a*) the Court shall take charge of all the property of such proprietor within its jurisdiction and may in its discretion also take the charge of the person of such proprietor if such proprietor is resident within its jurisdiction, and

(*b*) the Court may in its discretion also take the charge of the person and property of any minor member of the family of such proprietor who has an immediate or reversionary interest in the property of such proprietor.

The question before the House is that in clause 3 of the Bill, for the proposed section 6B the following section be substituted, namely:—

6B. When in respect of any proprietor an order is made by the Provincial Government under section 6 or section 6A,—

(*a*) the Court shall take charge of all the property of such proprietor within its jurisdiction and may in its discretion also take the charge of the person of such proprietor if such proprietor is resident within its jurisdiction, and

(*b*) the Court may in its discretion also take the charge of the person and property of any minor member of the family of such proprietor who has an immediate or reversionary interest in the property of such proprietor.

(The motion was put and agreed to.)

**Mr. DEPUTY PRESIDENT:** The question before the House is that clause 3 as amended stand part of the Bill.

(The motion was put and agreed to.)

**Mr. DEPUTY PRESIDENT:** Clause 4 stand part of the Bill.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I beg to move that in clause 4 of the Bill in the proposed section 7——

**Mr. NAGENDRA NATH MOHOLANOBISH:** On a point of order, Sir. I find that the Hon'ble Minister is moving amendments one after the other. They are not formal amendments at all and notice of these amendments have not been given to any members of the House. We are all in the dark as to how these amendments are going to affect the main provisions of the Bill. If my friend Mr. Nur Ahmed accepts the amendments I think the best way of doing so is to have those amendments incorporated in the Bill after due notice to the members of the House so that we may be in a position to understand their nature and effect. Of course short-notice amendments can be allowed by the Chair if he thinks it is necessary. But we are in a difficult position to follow what is going on. So will it not be proper to give us notice and take up the Bill later?

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, the amendments I have suggested are all formal and are only drafting changes——

**Mr. NAGENDRA NATH MOHOLANOBISH:** Sir, the matter went to the Select Committee and the Select Committee reported on it and unless we have notice of amendments we cannot understand the implication of the amendments——

**Mr. LALIT CHANDRA DAS:** Sir, it is altogether a bad principle to allow amendments to be moved without giving us notice. We feel it a great difficulty to follow the amendments and we object to it. Simply because the Hon'ble Minister says they are formal we cannot accept it. We must understand that they are formal. We have not got copy of the amendments and we cannot follow what the Hon'ble Minister says. We must understand that the amendments do not materially affect the Bill and are of a formal nature before we can accept them. Therefore the Chair is chary and we are unwilling to allow the amendments to be moved in the way in which the Hon'ble Minister is moving them. I suggest, Sir, that the Hon'ble Minister should not be allowed to move the amendments. We have not even got a copy of the amendments.

**Mr. DEPUTY PRESIDENT:** Order, order. So long I was allowing these short-notice amendments because I believed that the honourable sponsor of the Bill has no objection to accept them. I was also under the impression that the amendments were simply drafting changes. However, if there is any objection from the House, well, I am prepared to postpone the consideration of the Bill, but at the same time I would like to remind the honourable members that this is a non-official Bill and non-official Bills are taken up very rare. If you miss this opportunity, the sponsor of this Bill will hardly get another opportunity in the near future to move this Bill.

**Mr. NAGENDRA NATH MOHOLANOBISH:** Sir, I do appreciate what has fallen from the Chair. I submit that the members should have sufficient opportunity to consider whether these are merely verbal or formal changes, whether they affect the provisions of the Bill. All these things ought to be taken into consideration in allowing these short notice amendments to be moved. Moreover, we have not received copies of the amendments and therefore it is difficult for us to follow what are the changes.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, the Government is not responsible for this Bill. It is only with a view to help the mover of the Bill that the Government has brought in some formal amendments so that this Bill is not passed with many drafting defects. If the House so likes I shall not move any amendments and let the Bill proceed as it is.

**Mr. DEPUPTY PRESIDENT:** Apart from the fact that these amendments are going to be moved at a short notice the office could not examine the amendments that are now being proposed. Under these circumstances I think it desirable that the Bill should not be proceeded with any further. It should be postponed and in the meantime the copies of the amendments should be circulated to the honourable members.

### The Indian Lunacy (Bengal Amendment) Bill, 1943.

**Mr. DEPUTY PRESIDENT:** We now take up the Indian Lunacy Bill.

**Mr. NUR AHMED:** Sir, I beg to move that the Indian Lunacy (Bengal Amendment) Bill, 1943, as reported by the Select Committee be taken into consideration.

Sir, it is a very simple Bill. It only provides for the temporary release of the lunatics when the guardians or relatives so desire. It is a non-contentious Bill.

**Mr. DEPUTY PRESIDENT:** Motion moved that the Indian Lunacy (Bengal Amendment) Bill, 1943, as reported by the Select Committee, be taken into consideration.

The question before the House is that the Indian Lunacy (Bengal Amendment) Bill, 1943, as reported by the Select Committee, be taken into consideration.

(The question was put and agreed to.)

**Mr. DEPUTY PRESIDENT:** Is it the pleasure of the House that the Bill should be proceeded with or do they want time or notice for putting in amendments.

**Mr. NAGENDRA NATH MOHOLANOBISH:** So far as I could see, the Select Committee report has changed the original Bill altogether and it will be convenient if the members got some time to consider the change and I would like to submit that this Bill requires recirculation. Anyway we may be glad to have an opportunity to put in amendments.

**Mr. DEPUTY PRESIDENT:** How many days will be necessary?

**Mr. BIREN ROY:** 10 days.

**Mr. DEPUTY PRESIDENT:** I fix 3 p.m. on the 21st March as the time up to which amendments might be put in.

## The Bengal Muslim Marriage Extravagant and Superfluous Expenditure Regulation Bill, 1940.

(As reported by the Select Committee.)

**Mr. NUR AHMED:** I beg to move that the Bill as reported by the Select Committee be taken into consideration.

**Mr. DEPUTY PRESIDENT:** Motion moved that the Bengal Muslim Marriage Extravagant and Superfluous Expenditure Regulation Bill, 1940, be taken into consideration.

(The question was put and agreed to.)

**Hon'ble Mr. SYED MUAZZAMUDDIN HOSSAIN:** I request that a long period of time may be given for submission of amendments to the clauses of the Bill. I would suggest 15 days.

**Mr. DEPUTY PRESIDENT:** All right. Notice of amendments to this Bill may be given by 3 p.m. on the 31st of March.

## The Hindu Women's Rights to Property (Extension to Agricultural Land) Bill, 1943.

**Mr. NAGENDRA NATH MAHALANOBISH:** I beg to move that the Bill be taken into consideration.

**Mr. DEPUTY PRESIDENT:** Motion moved that the Hindu Women's Rights to Property (Extension to Agricultural Land) Bill, 1943, be taken into consideration.

(The question was put and agreed to.)

**Mr. DEPUTY PRESIDENT:** First let me ascertain if the House want time for giving notice of amendments. Is it the pleasure of the House that the Bill be forthwith proceeded with?

**The Hon'ble Mr. FAZLUR RAHMAN:** No, Sir, it cannot be taken up forthwith.....(Mr. Lalit Chandra Das: You are not a member of this House and you cannot object to it.)

**Mr. NAGENDRA NATH MAHALANOBISH:** No, we are not making any change except this formal change.

**Mr. DEPUTY PRESIDENT:** Time for notice of amendments is allowed till 31st March.

## The Bengal Land Revenue Sales and Bengal Tenancy (Amendment) Bill, 1944.

**Mr. NUR AHMED:** I beg to move that the Bengal Land Revenue Sales and the Bengal Tenancy (Amendment) Bill, 1944, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Fazlur Rahman, Minister in charge of the Department of Land and Land Revenue,

(2) Mr. Bankim Chandra Datta,

(3) Mrs. Labanyaprabha Dutta,

(4) Dr. K. S. Roy,

(5) Mr. C. E. Clarke,

(6) Mr. Choudhury Moazzem Hossein *alias* Lal Mia,

(7) Mr. Haridas Mazumdar,

(8) Mr. Latafat Hossain,

(9) Mr. Lalit Chandra Das,

(10) Mr. Abdul Latif, and

(11) the mover,

with instructions to submit their report within five months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

This is a simple amending Bill which was circulated to the members and I do not like to dilate on it. I commend it to the acceptance of this House.

**Mr. DEPUTY PRESIDENT:** Motion moved that the Bengal Land Revenue Sales and the Bengal Tenancy (Amendment) Bill, 1944, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Fazlur Rahman, Minister in charge of the Department of Land and Land Revenue,

(2) Mr. Bankim Chandra Datta,

(3) Mrs. Labanyaprabha Dutta,

(4) Dr. K. S. Roy,

(5) Mr. C. E. Clarke,

(6) Mr. Choudhury Moazzem Hossein *alias* Lal Mia,

(7) Mr. Haridas Mazumdar,

(8) Mr. Latafat Hossain,

(9) Mr. Lalit Chandra Das,

(10) Mr. Abdul Latif, and

(11) the mover,

with instructions to submit their report within five months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

**Mr. DEPUTY PRESIDENT:** The question before the House is that the Bengal Land Revenue Sales and the Bengal Tenancy (Amendment) Bill, 1944, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Fazlur Rahman, Minister in charge of the Department of Land and Land Revenue,

(2) Mr. Bankim Chandra Datta,

(3) Mrs. Labanyaprobha Dutta,

(4) Dr. K. S. Roy,

(5) Mr. C. E. Clarke,

(6) Mr. Choudhury Moazzem Hossein *alias* Lal Mia,

(7) Mr. Haridas Mazumdar,

(8) Mr. Latafat Hossain,

(9) Mr. Lalit Chandra Das,

(10) Mr. Abdul Latif, and

(11) the mover,

with instructions to submit their report within five months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

(The question was put and agreed to.)

## The Bengal Holy Quoran Sale Bill, 1943.

**Mr. NUR AHMED:** Sir, I beg to move that the Bengal Holy Quoran Sale Bill, 1943, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. H. S. Suhrawardy, Minister in charge of the Home Department,

(2) Mr. T. B. Nimmo,

(3) Mr. Bankim Chandra Datta,

(4) Mr. Lalit Chandra Das,

(5) Mr. Charu Chandra Sanyal,

(6) Mr. Satish Chandra Sen,

(7) Khan Sahib Mobarak Ali Khan,

(8) The Hon'ble Mr. Tarak Nath Mukerjea, M.B.E., C.I.E.,

(9) Khan Bahadur Ghyasuddin Pathan, and

(10) the mover,

with instructions to submit their report within five months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, this Bill has been brought in only to regulate the said of the Holy Quoran. This has been passed into Act in the Punjab, N. W. F. P. and Sind. This is a non-controversial Bill. I commend my Bill to the acceptance of the House.

**Mr. DEPUTY PRESIDENT:** Amendment moved that the Bengal Holy Quoran Sale Bill, 1943, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. H. S. Suhrawardy, Minister in charge of the Home Department,

(2) Mr. T. B. Nimmo,

(3) Mr. Bankim Chandra Datta,

(4) Mr. Lalit Chandra Das,

(5) Mr. Charu Chandra Sanyal,

(6) Mr. Satish Chandra Sen,

(7) Khan Sahib Mobarak Ali Khan,

(8) The Hon'ble Mr. Tarak Nath Mukerjea, M.B.E., C.I.E.,

(9) Khan Bahadur Ghyasuddin Pathan, and

(10) the mover,

with instructions to submit their report within five months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, I beg to move a short notice amendment, namely, the name of Mr. Latafat Hossain in the Select Committee.

**Mr. LALIT CHANDRA DAS:** How many members are there now?

**The Hon'ble Mr. MOHAMMED ALI:** Ten.

**Mr. LALIT CHANDRA DAS:** We have no objection.

**Mr. DEPUTY PRESIDENT:** Amendment moved that the name of Mr. Latafat Hossain be included in the Select Committee.

**Mr. DEPUTY PRESIDENT:** The question before the House is that the name of Mr. Latafat Hossain be included in the Select Committee.

(The question was put and agreed to.)

**Mr. DEPUTY PRESIDENT:** The question before the House is that the Bengal Holy Quoran Sale Bill, 1943, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. H. S. Suhrawardy, Minister in charge of the Home Department,
(2) Mr. T. B. Nimmo,
(3) Mr. Bankim Chandra Datta,
(4) Mr. Lalit Chandra Das,
(5) Mr. Charu Chandra Sanyal,
(6) Mr. Satish Chandra Sen,
(7) Khan Sahib Mobarak Ali Khan,
(8) The Hon'ble Mr. Tarak Nath Mukerjea, M.B.E., C.I.E.,
(9) Khan Bahadur Ghyasuddin Pathan,
(10) Mr. Latafat Hossain, and
(11) the mover,

with instructions to submit their report within five months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

(The motion was put and agreed to.)

### The Bengal Practitioners of Indian System of Medicine Bill, 1944.

**Mr. NUR AHMED:** I beg to move that the Bengal Practitioners of Indian System of Medicine Bill, 1944, be circulated for the purpose of eliciting opinion thereon within four months from the date of the passing of the motion for circulation.

It has been circulated once and I believe that the honourable members of the House have gone through the opinions and so I do not like to make a speech on it.

**Mr. DEPUTY PRESIDENT:** Motion moved that the Bengal Practitioners of Indian System of Medicine Bill, 1944 be circulated for the purpose of eliciting opinion thereon within four months from the date of the passing of the motion for circulation.

**Mr. DEPUTY PRESIDENT:** The question before the House is that the Bengal Practitioners of Indian System of Medicine Bill, 1944, be circulated for the purpose of eliciting opinion thereon within four months from the date of the passing of the motion for circulation.

(The question was put and agreed to.)

### The Agriculturists Loans (Bengal Amendment) Bill, 1944.

**Mr. NUR AHMED:** I beg to move that the Agriculturists Loans (Bengal Amendment) Bill, 1944, be circulated for the purpose of eliciting opinion thereon within five months from the date of the passing of the motion for circulation.

**Mr. DEPUTY PRESIDENT:** Motion moved that the Agriculturists Loans (Bengal Amendment) Bill, 1944, be circulated for the purpose of eliciting opinion thereon within five months from the date of the passing of the motion for circulation.

The question before the house is that the Agriculturists Loans (Bengal Amendment) Bill, 1944, be circulated for the purpose of eliciting opinion thereon within five months from the date of the passing of the motion for circulation.

(The question was put and agreed to.)

## The Bengal Village Self-Government (Amendment) Bill, 1944.

**Mr. NUR AHMED:** Sir, I move that the Bengal Village Self-Government (Amendment) Bill, 1944, be circulated for the purpose of eliciting opinion thereon within five months from the date of the passing of the motion for circulation.

**Mr. DEPUTY PRESIDENT:** Motion moved that the Bengal Village Self-Government (Amendment) Bill, 1944, be circulated for the purpose of eliciting opinion thereon within five months from the date of the passing of the motion for circulation.

The question before the House is that the Bengal Village Self-Government (Amendment) Bill, 1944, be circulated for the purpose of eliciting opinion thereon within five months from the date of the passing of the motion for circulation.

(The question was put and agreed to.)

**Mr. DEPUTY PRESIDENT:** It is proposed to change the meeting time of the House from 2-15 to 1-45 p.m. May I take it that there is no objection from the Government side?

(SOME MEMBERS ON THE GOVERNMENT SIDE.—Except on Fridays.)

**Mr. DEPUTY PRESIDENT:** The House stands adjourned till 1-45 p.m. on Monday the 17th March 1947.

## Adjournment.

The Council then adjourned till 1-45 p.m. on Monday the 17th March, 1947.

## Members absent.

The following members were absent from the meeting of this Council held on the 14th March 1947:—

(1) Mr. L. P. S. Bourne,
(2) Mr. Yusuf Ali Chowdhury,
(3) Mr. Hemendra Kumar Das,
(4) Mr. Kamini Kumar Dutta,
(5) Mr. Eric Dermot Dayne,
(6) Khan Bahadur Shaikh Fazal Ellahi,
(7) Mr. Mungturam Jaipuria,
(8) Khan Bahadur Alhadj Shaikh Muhammad Jan,
(9) Mr. Humayun Z. A. Kabir,
(10) Mr. Syed Abdul Majid,
(11) Mr. T. B. Nimmo,
(12) Dr. Kumud Sankar Roy,
(13) Mr. Muhammad Taufiq, and
(14) The Hon'ble Sir Bejoy Prasad Singh Roy, K.C.I.E.

WBGP-47/8-4736A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947—No. 19.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 17th March, 1947, at 1-45 p.m., being the 19th day of the First Session of 1947, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

**Mr. PRESIDENT** (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

### General Discussion of the Budget.

**Mr. GEORGE MORGAN:** Mr. President, Sir, the Hon'ble the Finance Minister has given this House a fairly detailed statement on the lamentable condition of the finances of the Province.

For 1946-47 the deficit will amount to the enormous total of Rs. 13,28,47,000 and for 1947-48 the anticipated deficit is Rs. 6,20,14,000. These are very heavy items and so far as one can see we have no means for balancing the budget.

The Finance Minister is hoping for an adequate measure of financial assistance from the Centre but so far has not received any response from that quarter. He said that should there be no fair and equitable financial settlement between the Centre and the Province, then the Province had no other course open to it than to ask for *ad hoc* subventions from year to year. This is a terrible position to be in, and in view of the latest statement made by His Majesty's Government it now appears an urgent necessity that the Province should obtain a financial statement with the Centre which will enable it to stand on its own feet. We share Mr. Kamini Kumar Dutta's view that Muslims and Hindus in this Province must co-operate if the undesirable alternative of a partition is to be avoided and in our opinion the best basis of co-operation is to be found in the Cabinet Mission's Plan. We hope, therefore, most earnestly that the Muslim League will enter the Constituent Assembly.

Looking to the future, it seems to me that there must be some drastic cutting down of expenditure if we are ever to balance our budget.

In the debate on the budget last year I said that there was scope for cutting down expenditure in two departments, namely, Civil Supplies and Agriculture. The first named department Civil Supplies, is a very costly one and we do not get any commensurate results. The Finance Minister tells us that a sub-committee of the Cabinet is looking into the question of possible reduction of staff, and that is 10 lakhs had so far been saved. But what about the loss of sale of subsidised food amounting to Rs. 2,45,26,000 in the revised budget for 1946-47 and to Rs. 1,51,00,000 in the budget estimate for 1947-48? No information has been given as to how this loss was incurred.

Again, the loss on Boat Construction Programme was Rs. 29,76,000 in the revised estimate for 1946-47 and is Rs. 1,26,56,000 in the budget estimate for 1947-48. Severe criticism was levelled against Government on boat construction during last year's budget debate and was evidently justified. Now Government intend to cut their loss and practically wipe off this item. The boat building contractors would seem to be the only people who have benefitted by the scheme. If the Civil Supplies Department was drastically retrenched our deficit would be greatly reduced and I would suggest

that the Finance Minister should enlist the aid of business men in overhauling the expenditure of this Department. It is difficult to see what particular benefits we derive from an expenditure of about six crores.

As regards Agriculture, there are items of expenditure which could be cut out without impairing the efficiency of the Department. What results do we get from "Agriculture Demonstration and Propaganda" Rs. 1,11,13,000? This is a very large sum but we have no details about results. Again, "Agricultural Development" Rs. 66,02,000—what is this?

**Mr. PRESIDENT:** May I enquire of the Leader of the House as to where the Finance Minister is. He should have been here.

**The Hon'ble Mr. SAIYED MOAZZAMUDDIN HOSSAIN:** Sir, he has sent word that he would be coming just now.

**The Hon'ble Mr. TARAK NATH MUKHERJI:** Sir, the Parliamentary Secretary is here taking notes.

**Mr. PRESIDENT:** Parliamentary Secretary is after all Parliamentary Secretary. Finance Minister should have been in the House.

**Mr. C. MORGAN:** I would also like to draw the attention of the Finance Minister to the "Advances to Cultivators" which shows a balance outstanding on 1st April, 1947, estimated to be Rs. 2,42,90,000. It would be interesting to know why and how these loans are given. Who is the deciding authority in the matter of granting loans and what conditions do Government lay down before paying over? Large amounts are budgetted for seed farms and seed stores in every thana. I have no faith that these items will give any practical results. The elimination of these items and some other smaller ones would reduce our deficit. I would suggest that an independent body on business lines such as an Agricultural Credit Co-operation should be set up.

I now turn to the Road Construction programme. A sum of Rs. 1,32,00,000 has been provided for 1947-48 and the details are given on pages 62-63 of the budget estimate of Civil Works. It has been stressed over and over again by Viceroys, Governors and public bodies that Road Construction should have No. 1 priority and yet there is no apparent recognition in the Budget Statement of the importance of Road Construction to the development of the Province.

I do not know how the programme is decided upon. Was the decision based on the King's Report or was it on proposals put forward by the Provincial Board of Communications?

In any case I hope Government realise the importance of pushing on with Road Construction as rapidly as possible.

As regards the revised 5-Year Development Plan, amounting to Rs. 153 crores, I may say that in view of the constitutional position, my opinion is that as much as possible should be undertaken before June, 1948. Where will Bengal get its share of the capital expenditure not to speak of the recurring liability? Government must surely have some plan for meeting these liabilities.

I now turn to the Debt Position. The Finance Minister has omitted an explanation of the Debt Position. We are entitled to know what the position is, having regard to the recurring deficits and to the accumulating load of unproductive debt. I expect a reply to this.

As regards Medical, I would like to know whether the Finance Minister has any idea of what this Province will have to provide for under the "Workmen's State Insurance Act", when passed by the Central Legislature. An agreement has to be made between the Board and the Provincial Governments regarding the sharing of the cost of medical amenities.

Referring to the Calcutta Corporation loans, I object most strongly to this body being bolstered up by finance taken from provincial revenues. Why should provincial tax-payers have to put their hands in their pockets to enable the Calcutta Corporation to keep its head above water.

I see the Finance Minister has agreed to grant a loan of Rs. 50,00,000 repayable within 12 months provided the Corporation agrees to the appointment of a Committee of Experts to examine its financial position and administrative set up. But what hope is there of repayment within the time specified?

Since 1929 the administration of the Calcutta Corporation has gone steadily downhill and it is high time that some drastic action should be taken, even if it means that Government should supersede the Corporation. This Corporation is a glaring example of what can happen in a Democratic Body which had fired the imagination of the late Surendra Nath Banerjee in 1922. I was then one of the Councillors.

Referring to Education, the grant under this head seems to be insufficient as when grants-in-aid are allotted, the grants already given to existing schools are reduced in order that new schools may get some grant. This seems to me to be a bad policy and more money should be allotted to cover grants to new schools where necessary.

To sum up, the finances of the Province are in a very bad state and the future looks decidedly gloomy, but we must do our best to get a balanced budget in the near future, and we must always bear in mind His Majesty's Government's announcement in this connection, as no one knows what the position of the Centre and the Provinces after June, 1948 will be. The position of the Centre as disclosed by the budget does not warrant us to expect much help from that quarter.

**Mr. PATIRAM ROY:** মাননীয় সভাপতি মহাশয়, বৎসরের পর বৎসর যায়, এই সময় এই হাউসে প্রতি বারই বাংলার বাজেট উপস্থাপিত করা হয়। যাঁরা বাজেট উপস্থাপন করেন, তাঁরা জানেন যে বাজেটে যাই থাকুক না কেন, একদল মেম্বার আছেন, তাঁরা তাঁদের পক্ষে ভোট দেবেন এবং ভোটের জোরে এই তরণী যতই দোষযুক্ত বা ছিদ্রযুক্ত হোক না কেন, নদী পার হয়ে যাবেই। কাজেই এটা সহজেই ধরে নওয়া যায় যে এদের সদসৎ কাজ বা জনসাধারণের মঙ্গলামঙ্গল কাজ চিন্তা করবার বালাই নাই। বাংলার ধ্বংস করুক, আর বাংলার মুণ্ডপাত করুক, তার জন্য ভোটের তো আর অভাব হবে না। তবু অন্য বারের বাজেটে যা-ই থাকুক না কেন, একটু চক্ষুলজ্জার খাতিরে ও অনেক ইচ্ছা চেপে রেখেই বাজেট উত্থাপন করা হ'ত। কিন্তু এবার বাজেটে মন্ত্রীমহাশয় যে সাম্প্রদায়িকতা দেখিয়েছেন, তা চোখের পর্দা খুলেই দেখিয়ে দেওয়া হয়েছে। এই সাহসের জন্য মাননীয় অর্থসচিব মহাশয়কে সুখ্যাতি না করে পারা যায় না।

পাকিস্থান লয়ে যখন একদলের সাথে অন্য দলের মনোমালিন্য হয় তখন আমার মনে হ'ত, যারা পাকিস্থান চায়, তাদের মতে মত দিলে ত বাংলার গোলমাল মিটে যায়। এই সন্দেহ এবার দূরীভূত হয়েছে। Half পাকিস্থানের যে বাজেট হয়েছে ও বাংলার যে অবস্থা হয়েছে তাতে বেশ বোঝা যায় পাকিস্থানে হিন্দুরা কত সুখে-সচ্ছন্দে থাকত।

বাজেটের বহু আলোচনা ও সমালোচনা এই হাউসে ও বাইরে হয়ে গেছে। অপর হাউসে যখন বাজেটের অর্দ্ধেক grant পাস হয়ে গেল নির্বিবাদে অক্ষরে অক্ষরে সব বজায় রেখে, তখন বাজেট সম্বন্ধে ও বাজেটের ভেতরকার figure সম্বন্ধে কিছু বলতে যাওয়া সময় নষ্ট করা ছাড়া, আর কোন সার্থকতা নাই।

আজ বাজেট উত্থাপন করে তাঁর বক্তৃতায় মন্ত্রীমহাশয় আত্মপ্রসাদ লাভ করেছেন। তাঁর বাজেটে অনেক কথা লিখিত হয়েছে, এই দেশকে develop করা তাঁর বহু চেষ্টার মধ্যে একটি। দেশকে develop ক'রতে যেয়ে সেই দেশের লোক কিরূপ সুখে শান্তিতে বাস করছেন, তার দু-একটি কথা মাত্র আজ বলবো।

এই বাজেটে সর্বপ্রথমে একটি বিষয় নজরে পড়ে, সেটা হচ্ছে ঘাটতি বাজেট। সুজলা সুফলা শস্য-শ্যামলা সোনার বাংলার গভর্ণমেণ্ট ও তার পক্ষে অর্থসচিব মহোদয়ের ঘাটতি বাজেট উদ্বাপন করা, একমাত্র মস্তিষ্কের অযোগ্যতা প্রদর্শন করা ছাড়া আর কিছু বলা যায় না। এই সব মন্ত্রীদের ঋণ করে ঘি খাওয়ার স্বভাব। টাকা ঘাটতি হলেও কাঁচড়াপাড়া প্রভৃতি স্থান develop করতে যাওয়া তাহারই প্রকৃষ্ট প্রমাণ। এই developmentএর পশ্চাতে কি উদ্দেশ্য নিহিত আছে, সে সম্বন্ধে যথেষ্ট সন্দেহ না করে পারা যায় না। আরও একটি রহস্য, এই কিছুদিন আগে বাংলার প্রধান মন্ত্রী মহোদয় ঘোষণা করেছিলেন যে দরকার হলে তাঁর বাংলাদেশকে কেন্দ্রীয় গভর্ণমেণ্ট হ'তে পৃথক এবং স্বাধীন প্রদেশ বলে ঘোষণা করবেন। আজ দেখছি loanএর বেলায় কেন্দ্রীয় গভর্ণমেণ্টের কাছে তিনি ভিক্ষার ভাঁড় বা ঝুলি হাতে দণ্ডায়মান হয়েছেন। দরকারের খাতিরে যে তাঁর লজ্জা ও সম্মানের অবসান হয়, তা আমরা আগে জানতাম না। বণিকের জাত বৃটিশ ব্যবসায় করতে এসে রাজত্ব স্থাপন করেছে, আর আমাদের বাংলা গভর্ণমেণ্টের অবস্থা হয়েছে ঠিক তার উল্টো। বাংলা গভর্ণমেণ্ট দেশ শাসন, পালন ও বিচার এই সমস্ত কাজ এক প্রকার বাদ দিয়ে Controlএর সুযোগ নিয়ে একটা পূর্ণ ব্যবসায় আরম্ভ করেছে। তবে সুরু হ'তে বৃটিশের সঙ্গে এদের পার্থক্য অনেক বেশী। ব্যবসায়ে বৃটিশ করে লাভ, আর বাংলা গভর্ণমেণ্ট করে লোকসান। আর সেই টাকা আদায় হয় বাংলার জনসাধারণের রক্ত শোষণ করে তাদের উপর ট্যাক্স ও কররূপে। এক Civil Supply Department-এ গত তিন বৎসরে এই বাংলা গভর্ণমেণ্ট ৬ কোটী ৪০লক্ষ টাকা লোকসান দিয়েছে। তাদের অবিবেচনা এবং যোগ্যতার অভাবে এই যে এতগুলো টাকার ক্ষতি হ'ল এটাকা বাংলার দরিদ্র জনসাধারণের কাছ থেকে আদায় করা ছাড়া তাঁদের নিজেদের পকেট থেকে তাঁরা নিশ্চয়ই দেবেন না। তারপর এই Civil Supply Department সম্বন্ধে, এই কুখ্যাত Department সম্বন্ধে বহু আলোচনা বহুদিন ধরে হয়ে আসছে, কিন্তু প্রতিকার তার কোথায় আমরা আদৌ তা দেখতে পাই না। তাতে মনে হয় যতই আলোচনা এই হাউসে এবং বাইরে হোক না কেন মন্ত্রীমহোদয় জানেন তাঁরা যা করছেন তা ভোটের জোরে পাস হয়ে যাবে। এ সম্বন্ধে এত বেশী আলোচনা হয়ে গেছে যে আর আমি বেশী কিছু বলতে চাই না। কেবলমাত্র দু-একটি কথায় নিত্যনৈমিত্তিক ছোটখাট সত্য ঘটনা উল্লেখ করিয়া তার বাস্তব চিত্র প্রদর্শন করাইতে ইচ্ছা করি।

খুলনা জেলায় যে কন্ট্রোল অফিস এবং সাতক্ষীরা মহকুমায় যে সাবডিভিসনাল কন্ট্রোল অফিস আছে, সেখানে আমি দেখেছি যে সেখানকার সেই জেলার লোক তাদের বিভিন্ন দরকারে যতই আপত্তি ও দরখাস্ত করুক না কেন, দেখা যায় তার প্রায় শতকরা ৫০ খানা দরখাস্ত হারিয়ে যায়। এই হারিয়ে যায় না যদি দরখাস্ত দেবার সময় তাঁরা কিছু টাকা সেখানে দিয়ে আসতে পারেন। এই যে অবস্থা এই অবস্থার জন্য আপত্তি করা বা আবেদন করার কোন স্থান আছে বলে আমি বা খুলনাবাসিগণ জানতে পারি নাই।

তারপর বাংলার শিক্ষা—এই শিক্ষা বিভাগে যে টাকা ব্যয় করা হচ্ছে, তাহা আবশ্যকতার তুলনায় অত্যন্ত কম। বহুদিন থেকে আজ পর্যন্ত আশা দিয়ে দিয়ে বাংলার সমস্ত জেলায় Free Primary Education এখনো প্রবর্ত্তন করা হ'ল না। তারপর এই Primary Education free করবার সঙ্গে সঙ্গে বাধ্যতামূলক করার কথা এখনও বোধ হয় স্বপ্নেরও বাইরে। অথচ বাজেট খুললে দেখা যায় এই বাজেট কেবল যেন করা হয়েছে একমাত্র একটি সম্প্রদায়ের ছেলেদের শিক্ষা ও মেয়েদের শিক্ষার জন্য, আর যেন অন্য সম্প্রদায়ের শিক্ষা যথেষ্ট বা সমাধা হ'য়ে গেছে—তাদের আর আবশ্যকতা নাই। এঁরা ইসলামিয়া কলেজেও ইসলামিয়া হোষ্টেল করেছেন। যদি তাই করা হয় আমার তাতে আপত্তি নাই। কিন্তু আমি এই কথা বলতে চাই যখন ইসলামিয়া কলেজ করা হচ্ছে, তখন বাংলার অন্যতম অনুন্নত সম্প্রদায় তপশীলভুক্ত জাতির জন্য পৃথকভাবে কেন তেমনি একটি কলেজ করা হ'ল না? আজ দশ বৎসর ধরে কলিকাতায় তপশীলভুক্ত জাতির ছাত্রদের থাকবার অত্যন্ত অসুবিধা সত্ত্বেও তাদের রাখবার জন্য এখনও কোন হোষ্টেল করা হয় নাই। বাংলার ক্যাবিনেটে তপশীলভুক্ত জাতির মন্ত্রী আছেন কোন সময় একজন, কোন সময় দু-জন, আবার কখনও বা তিনজন থাকেন। বর্ত্তমানে দু-জন মন্ত্রী আছেন। আমি বিশেষভাবে তাঁদের বলবো—যখন বাজেটে ইসলামিয়া কলেজ করবার এই provision থাকতে পারে তখন তপশীলভুক্ত জাতির শিক্ষার জন্য একটি পৃথক কলেজ করার provision থাকবে না কেন? মুসলমান জাতি থেকে তপশীলভুক্ত জাতি শিক্ষায় খুব বেশী উন্নত নহে। কাজেই বিশেষভাবে শিক্ষার

জন্য এই তপশীলভুক্ত জাতির একটা পৃথক কলেজ হওয়া একান্ত আবশ্যক। যদি বাজেটে দেখতাম ইসলামিয়া কলেজ করবার সঙ্গে সঙ্গে তপশীলভুক্ত জাতির জন্যও একটি পৃথক কলেজ করা হয়েছে, তাহলে এই কলেজ করাকে অনুন্নত সম্প্রদায়কে উন্নত করবার ব্যবস্থা বলে মনে করে নিতাম। কিন্তু যখন দেখি তপশীলভুক্ত জাতির জন্য কোন ব্যবস্থা তাঁরা করেন নাই, তখন স্বতঃই মনে হয় ইসলামিয়া কলেজ স্থাপন করা সম্পূর্ণ একটি সাম্প্রদায়িক কার্য্য ছাড়া আর কিছুই না। ইসলামিয়া কলেজ শুধু একটি সাম্প্রদায়িক কলেজ।

তারপর Irrigation Department বলে Irrigationএর জন্য যে একটি department আছে বাংলাদেশে, তাতে সরকারী দপ্তরখানায় Writers' Buildingsএ fanএর তলে বসে কতকগুলি লোক প্রতিপালিত হচ্ছে, আর কেবল schemeএর পর scheme তৈরী করে যাওয়া হচ্ছে। অথচ বাংলার এই Irrigation Department এর দ্বারা কোন জায়গায় কোন বিশেষ উপকার করা হয়েছে বলে আমরা কিছু জানতে পারিনি। এই Irrigationএর সঙ্গে কৃষি বিভাগের অতি নিকট সম্বন্ধ। এই কৃষি বিভাগে Grow more food বাবদ এক কোটি দুই লাখ টাকা ব্যয় করবার জন্য বরাদ্দ করেছেন। কিন্তু এই "Grow more food" scheme দ্বারা কোন food grow করা হবে না, এই এক কোটি টাকার দ্বারা কেবল কতকগুলি অফিসার পোষা হবে। বাংলাদেশে বহু জমি পতিত আছে, যেখানে চাষ করলে মানুষের খাদ্যশস্য যথেষ্ট পরিমাণে উৎপন্ন করা যায়। তা না করে বাংলা গভর্ণমেণ্ট কন্ট্রোল করবার জন্য রাত্রি-দিন কেবল চিন্তা করছেন। বাংলায় যে খাদ্য জন্মায় বাঙ্গালীর পক্ষে সেটা যথেষ্ট। বাংলায় বহু জমি পতিত আছে, গভর্ণমেণ্ট চেষ্টা ক'রলে সেখানে বহু পরিমাণে খাদ্যশস্য উৎপন্ন করাইতে পারে। কিন্তু সে দিকে চেষ্টা না ক'রে কন্ট্রোলের খেলা ক'রছেন। বহু জায়গায় বহু জমি আছে। তার মধ্যে আমি একটি মাত্র উল্লেখ করবো। খুলনা জেলায় সাতক্ষীরা থানার মধ্যে হরিণখোলা মৌজা। সেখানে প্রায় ত্রিশ হাজার বিঘা জমি। বিগত কয়েক বৎসর ধরে তার ধারে বাঁধ (embankment) না থাকায় লোনা-জলে ভেসে যায়। সেখানে একমাত্র বাঁধের ব্যবস্থা করলে এই জমিতে এত ধান জন্মায় যে বাংলাদেশের কোন জমিতে তারচেয়ে বেশী ফসল উৎপন্ন হয় না। অথচ কয়েক বৎসর ধরে সেই জমিতে কোন ফসল হচ্ছে না। ফলে সেখানকার হতভাগা প্রজারা ভিটামাটি ত্যাগ করে অন্যত্র চলে যাচ্ছে, খাবারের জন্যে গভর্ণমেণ্টের দুয়ারে ধর্ণা দিচ্ছে। "Grow more Food" scheme খালি কাগজ-কলমেই থেকে গেল। সেই দরিদ্র হতভাগা প্রজাদের কোন উপকার করা হ'ল না। এইভাবে Irrigation এর সঙ্গে সঙ্গে public worksএর যে ব্যবস্থা আছে তার দুরবস্থার কথা কিছু ব'লব। এই প্রসঙ্গে আমি কিছু দিন আগে এই হাউসে একটি প্রশ্ন উত্থাপন করেছিলাম খুলনা জেলার সাতক্ষীরা মহকুমার সম্বন্ধে। সাতক্ষীরা মহকুমায় কলিকাতা হইতে সাতক্ষীরায় যাওয়ার "বসিরহাট হইতে সাতক্ষীরা পর্য্যন্ত রাস্তা" ছাড়া আর কোন রাস্তা নাই। এই প্রশ্নের উত্তরে মন্ত্রীমহাশয় দয়া করে উত্তরে বলেছিলেন যে আর একটি রাস্তা আছে, সেটা হচ্ছে নাজারণ থেকে সাতক্ষীরা। এই যে "নাজারণ রোড" নয় দশ বৎসরের অধিক হ'ল Road Board থেকে এই রাস্তাটি করবার ব্যবস্থা হয়েছিল। সেই রাস্তা ভাল করা দূরের কথা, সেই রাস্তার ধারে পথিককে ছায়া দিবার জন্য যে গাছগুলো ছিল, সেগুলি বহুদিন আগে কাটা হইয়াছে। কিছু মাটি দেওয়া হ'য়েছে তারদ্বারা সেই রাস্তাকে কাদায় পরিণত করা হয়েছে। তাছাড়া আর কোন কিছু করা হয় নাই। তারপর মিলিটারী থেকে সেই রাস্তার প্রায় অর্দ্ধেক ভালভাবে পাকা করে দিয়েছে। আর যে অর্দ্ধেক সেটা সেইভাবেই রয়ে গেল—যেভাবে আমরা বিশ বৎসর পূর্বে দেখেছিলাম। করবার মধ্যে কেবল গাছগুলা কাটা ছাড়া আর কোন উন্নতি করা হল না। এই রাস্তায় বর্ষাকালে আসলে গাড়ীঘোড়া চলা দূরের কথা পায় হেটে মানুষও সেখানে চলতে পারে না। মন্ত্রীমহোদয় বলবেন কি C. W. Departmentএ এই যে এত টাকা ব্যয় করা হচ্ছে, সেই টাকা দিয়ে রাস্তাঘাটের কি উপকার করা হচ্ছে? নাজারণ থেকে সাতক্ষীরা যে রাস্তা আছে, সেই রাস্তা দিয়ে আদৌ গাড়ী বা বাস চলতে পারে না তার কি ব্যবস্থা করা হচ্ছে? বসিরহাট হইতে ইটিন্ডা দিয়া সাতক্ষীরা পর্য্যন্ত যে রাস্তা তার অবস্থাও অত্যন্ত খারাপ। Repairingএর জন্য গভর্ণমেণ্ট কি চেষ্টা ক'রছেন?

তারপর বাজেটে দেখা যায় বাংলাদেশে loan আদায় করবার জন্য শুধু অফিসার নিয়োগ করা হয়েছে। তার জন্য এক লক্ষ টাকার বেশী ব্যয় করা হচ্ছে। এই loan

আদায় করা সম্বন্ধে যে চিত্ত অভিজ্ঞতা আমি লাভ করেছি, তাতে loan সম্বন্ধে এবং loan আদায়কারী অফিসার সম্বন্ধে আমার ধারণা অতীব খারাপ হয়ে গেছে। আমি একটি ঘটনা জানি, loan আদায় করা হয়েছে একই জায়গা থেকে পরপর তিনবার। একজন officer সমস্ত টাকা আদায় করে নিয়ে গিয়েছেন, তারপর দেখা গেছে সেখান থেকে আবার certificate করে টাকা আদায় করা হয়েছে। এর পর কিছুদিন পরে দেখা গেল পুনরায় সেই ঋণকারীর উপর আবার certificate করা হয়েছে। এটা সাতছীরা থানার কথা। একই জায়গায় তিনবার certificate করা হয়েছে। দরিদ্র মূর্খ হতভাগা প্রজারা তাদের বাড়ীঘর, গরু-বাছুর বিক্রী করে তাদের টাকা দিয়ে দিল কিন্তু এই টাকার হিসাব হ'ল না Ledgerএ লেখা হ'ল না। পরে একজন Loan Collector চলে যাওয়ার পরে হিসাব করে দেখা গেল যে অফিসের খাতায় এই যে loan আদায় করা হয়েছে সে টাকা জমা দেওয়া হয়নি। Certificate করা হল। পেয়াদা গেল। গরুবাছুর ধ'রে টাকা আদায় করে নিয়ে আসল। Certificate Officer যখনই গিয়েছে Ledger দেখেই certificate issue করে দিয়েছেন। দরিদ্র ঋণী কৃষকের অবস্থা দেখবার সময় তাঁর কোথায়! এই যে loan আদায় করবার ধারা হয়েছে, আজ যারা ঋণী তাদের নির্য্যাতন ছাড়া আর একে অন্য কিছু বলা যায় না।

আর একটি কথা বলতে চাই Agricultural Income-tax আদায় প্রসঙ্গে। বাংলার চাষী তথা দরিদ্র চাষীদের উপর income-tax ধার্য্য ও তাদের নিকট হইতে আদায়—বাঙ্গালী চাষীদের উপর একটা অবারিত এবং একটা নৃশংস অত্যাচার ছাড়া আর কিছুই বলা যায় না। যখন দেখা যায় কোন লোকের উপর কারও আক্রোশ আছে, সে অফিসে গিয়া সংবাদ দিয়ে আসলো যে অমুক লোকের উপর tax ধরা যেতে পারে তার যথেষ্ট income আছে। অমনি অফিসে বসেই tax assess করা হ'ল—তার উপর নোটিশ দেওয়া হল। এই যে দরিদ্র কৃষক তাদের কোথাও আয়-ব্যয়ের জমা-খরচের হিসাব নাই বা রাখে না। তাই আজ যে তাদের কি বিপদ, তা সেই ভুক্ত-ভোগী ছাড়া আর কেউ বলতে পারে না। এখানে বসে ত আইন পাস করে ছেড়ে দিলাম। কিন্তু দেশে কি অবস্থা হয়েছে, সে বিষয়ে একটু চিন্তা করা দরকার। Income-taxএর কবলে প'ড়ে দেশের মোড়ল থেকে আরম্ভ করে উকিল মোক্তার সবাইকে ঘুষ দিতেই প্রায় যথাসর্বস্ব সব খরচ হয়ে যায়। কিন্তু শেষকালে হয়ত কোর্টে এসে দেখা গেল tax ধার্য্য করার মত সম্পত্তি তার নাই। Tax ধার্য্য অনেক ক্ষেত্রে হয় নাই কিন্তু প্রত্যেক বৎসর এমনিভাবে আমি জানি বহু প্রজা নির্য্যাতিত হ'চ্ছে। একবার হয়ত tax থেকে ছাড়া পেয়ে গেছে, আবার হয়ত তার নামে নোটীশ issue করা হয়েছে। এইভাবে যে তাকে নির্য্যাতন করা হয়, সেটা তার tax থেকে বহুগুণে বেশী। এই agricultural tax দ্বারা প্রজাদের শতকরা ৭৫টি ক্ষেত্রে নির্য্যাতন করা হচ্ছে, একথা বললে অত্যুক্তি হয় না। আমি আশা করি মন্ত্রীমহাশয় এ বিষয়ে বিশেষভাবে চিন্তা করবেন এবং agricultural income-tax যদি properly আদায় করতে হয় তা'হলে কিভাবে ব্যবস্থা করলে এই দরিদ্র নিরক্ষর কৃষকগণ এমনিভাবে নির্য্যাতিত না হয় তার সুব্যবস্থা ক'রবেন।

আজ বাংলা দেশের উপর এই যে রাজত্ব চলছে যে রাজত্বে প্রত্যেক লোকের মন দলগতভাবে সজাগ হয়ে উঠেছে। প্রত্যেক জায়গায় দেখা যাচ্ছে যে প্রত্যেকে মনে করে একটা দল উদ্ধার পাবে, আর একটি দল নির্য্যাতিত হবে। দেখা যায় অনেক জায়গায় অফিসাররা এইরকম এক একটা দলগত ভাব ধারণ করে কার্য্য করেন। আর সেখানকার অন্য দল ভয়েই ম'রে আছে। প্রতিনিয়ত তারা ভীষণ বিপদে পতিত হচ্ছে। যদি বাংলা গভর্ণমেণ্ট আজ এইভাবে রাজত্ব চালাতে থাকেন এবং এইভাবে যদি রাজত্ব চলতে থাকে—দরিদ্র প্রজার উপর শাসন ও শোষণ নীতি চালু থাকে, তাহলে বাংলার লোক যে কত সুখে থাকবে একথা বাংলার অর্থ সচিব মহাশয় যিনি বাজেট উদ্বাপন ক'রে নিজেকে গৌরব বোধ করেছেন, তিনি যেন তা একটু ভেবে দেখেন। আজ তাই দরকার হয়েছে এই ভাব-ধারার পরিবর্ত্তন করা। এবং নিরপেক্ষভাবে বাংলার বাজেট প্রণয়ন করে বাংলার সমস্ত কাজের উন্নতি বিধান করা—আমি এই কথা বলে আমার আসন গ্রহণ করবো।

**Mr. BISWANATH ROY:** Mr. President, Sir, while considering the budget proposals put forth in this House by the Hon'ble the Finance Minister I cannot help pointing out that this budget has been made out as if by a bureaucratic Government and not by a popular Ministry. The budget placed before us this year is also a deficit one. The Finance Minister admits that this is the 9th consecutive deficit budget of this Province, and

for the deficit he throws the responsibility on the shoulders of the Central Government and demands a subsidy to meet the deficit. At the same time he does not hesitate to introduce new items of expenditure though the time is abnormal, and the situation in the country both economically and politically is very unsteady. The hidden sources of income have not been properly tapped and a number of items of expenditure could have been well done away with under healthier circumstances. I admit that while considering the budget proposals I have to keep all these factors in view but can we not on this side of the House expect a greater imagination, a healthier outlook and a broader and more liberal view-point on the part of the Ministry in framing out the budget? In no circumstances we are prepared to receive the budget proposals from a popular Ministry that do not help to ameliorate the distress of the people of the Province at large. Where is that insight that is legitimately expected of a popular Ministry to find out the real needs of the people? Where is the imagination by which the untapped resources of the Province could be exploited to yield better revenues? And where is the sympathetic outlook to equitably distribute the funds on the items of expenditure that were to be incurred for the general prosperity of the Province? In my consideration sufficient funds should have been provided for better agriculture. How we wish that much larger sums had been allotted for exploring improved methods of cultivation and for providing cultivators with better equipments. Improvement of the soil was also an important item to have been considered. Unfortunately the Government does not find the money for these items of expenditure. We find that instead of engaging itself to the larger interests of the people the Ministry is very much preoccupied with party politics ending upheavels that are often suicidal. Upheavels create unnatural conditions to meet which the Ministry has had to provide big sums. How we wish that these sums of money could be utilised in ways that might lead to a substantial benefit of the people. We have been told that Bengal was made a major base for the operations in the Far Eastern theatre of the last war and consequently she had to bear the brunt of all the evil legacies that are often left behind by war and that in spite of the deficit the Ministry had had to provide a very large sum for relief and rehabilitation. This is not an occasion to apportion blame between a group of individuals or between this party and that as to the responsibility for creating these conditions. The conditions are there and they have to be met with. But the Government by its omissions and commissions has given undue indulgence to these communal disturbances in the Province. I consider that the Ministry was competent enough to see that such conditions should never happen as to prevent the waste of such a huge sum of money on the items of relief and rehabilitation. The administration has to be carried on without any bias and the administrator should be immune all sectarian and communal considerations. But unfortunately in this budget we find that ample consideration has been given for a particular community in the different items of expenditure neglecting the interests of the people in general. The Government is virtually run on a communal basis as judged by the benefits of the Government which accrue, mostly to one community. Even in education which is the pivot of culture not only liberal discriminating grants are made exclusively to the Muslim institutions which in particular cases may be justified as a special measure to level up their standards but policy is being pressed even to the extent of meeting fancied communal demands. Again, in Trade and Industry a clear tendency is at work for discriminatory and preferential allocations of licences and permits without any heed to the consequences that such a method, if systematically applied on the plea of fixing an equitable ratio, will generate by itself operating as a dividing force. At present the only sphere where there seems to be no idea of separation is the sphere of raising the revenues, but when it comes to expenditure, the communal principle holds its sway. Sir, in administrative postings and promotions also the ratio principle is applied with vengeance. We have a notion that for better yields of revenue we have no expert's

knowledge but it is a false cry. The Finance Minister invited an expert from overseas to advise him how to explore avenues to make the financial position of the Province self-supporting.

**The Hon'ble Mr. MOHAMMED ALI:** No, no. I never said any such thing. You have got hold of the wrong end of the stick.

**Mr. BISWANATH ROY:** I am sorry. The Finance Department has rather sent out an officer for the purpose. Surely an expert's knowledge can be obtained in this very country if too much emphasis is not placed on the communal question. There are instances where we find that if no qualified Muslim in Bengal is available for a certain post earmarked for Muslims, a Muslim has to be imported from outside and given the post to the exclusion of the children of the soil belonging to any other community. Having these points in view I can only say that the budget proposals have been worked out without looking into the fundamental needs of the people of the Province and it does not redound to the credit of the Ministry which is at present ruling the Province in a ruthlessly autocratic way.

**Khan Bahadur SYED ABDUR RASHID CHOWDHURY:** Mr. President, Sir, I congratulate the Hon'ble Finance Minister on presenting the budget for 1947-48 at a time when the country is passing through a great crisis——

**Mr. PRESIDENT:** Mr. Chowdhury, please speak up, or it would be better if you go to the microphone.

**Khan Bahadur SYED ABDUR RASHID CHOWDHURY:** All right, Sir. At a time when the country is passing through a great crisis due to the scarcity of foodstuffs, communal feeling and communal trouble all over Bengal.

I also think him most cordially for making provision of Rs. 18½ lakhs for increasing the salaries of the primary school teachers in the next year's budget, for making provision of Rs. 10 lakhs for the Muslim Education Fund and also for making other necessary provisions in connection with the education of Muslims of Bengal who are still much backward in education.

But at the same time I must say that the provision of Rs. 18½ lakhs for increasing the salaries of the poor and most ill-paid primary school teachers is quite an inadequate amount. They belong to the most important nation building department under which our boys and girls are taught. Mahatma Quaide Azam Muhammad Ali Jinnahs, Liaquat Ali Khans, Gandhis, Nehrus and Mr. Mohammed Ali (the Hon'ble Finance Minister here) will be born among these boys and girls. And this is the only department in which they will have to form their character, will have to acquire a burning desire for independence and will have to learn how to sacrifice their lives for the sake of the community and the country. But unfortunately this department has all along been neglected. The increased provision of only Rs. 18½ lakhs is too inadequate to meet the requirements of the primary school teachers at a time when the price of all necessaries of life are much higher than before. Moreover, the primary school teachers have announced the date of a general strike from April next. This will no doubt hamper the progress of education of our children to a great extent. This the Hon'ble Finance Minister ought to have pondered over long before. However let me hope that the Cabinet will try to avert this serious situation by making adequate provision (in the supplementary budget) in order to meet the demands of the teachers. Their claim is just and fair.

This is the ninth deficit budget of the Bengal Government. The Government is sure to run into bankruptcy if certain ways and means are not devised to put the provincial budget on a more stable basis. The Hon'ble Finance Minister seems to admit this and assures us to try his level best for an equitable financial settlement between the Centre and the Province.

But I must condemn, with all the emphasis that I can command, any sort of new taxation upon the already overtaxed people of Bengal. Central Government should be urged upon to give this Province its full quota of duty on jute and also her legal share from other taxes such as income-tax, customs duty, etc.

Provision of more than Rs. 5½ crores has been made in the next year's budget for the Civil Supplies Department in which corruption prevails from top to bottom. Even the officers, however highly placed may be, they do not think it a crime to take bribe and thus are doing mischief to the people in general. This is a fact whether they admit it or not. This is the public money by which they pass their time in the midst of great pleasure and amusement. There was a lot of criticism in regard to this Department in the past. But the Hon'ble Ministers have turned a deaf ear to all these criticisms. They seem to think that they have done their duty after allocation of funds to the different heads and forget their duty to have strict eye upon the staff of the department most of whom belong to the other community. My appeal to the Hon'ble Minister and the Ministry is to have strict watch upon the Department. If they cannot, they may abolish it altogether. They have no justification, Sir, to maintain a Department which they cannot control.

Under the head "Famine" the Government have spent one core and eighty lakhs as relief to the refugees. This is undoubtedly very good. But what strikes me most in this connection is the waste of money for the purchase of unnecessary foodstuff like dehydrated vegetables. It is not even possible for many very well-to-do and rich people to use this sort of foodstuff. It will not be out of place to mention here that the Government officers, presidents of the union boards and the secretaries of the Union Food Committees had the privilege to use these foodstuff. This is no doubt due to the negligence or connivance of the higher officers most of whom belong to the other community. Is it not the duty of the Hon'ble Minister to keep an eye upon this corruption and ill-practice, rampant in all the departments under the Muslim League Ministry of which we ourselves are so proud.

Under the head Police, there is an increase of about 37 lakhs in the revised budget. Out of this amount Rs. 8 lakhs were spent, the Hon'ble Minister stated, to strengthen the Police force both in Calcutta and outside, 20 additional sub-inspectors have been appointed in the Calcutta Police, 378 sub-inspectors and 70 assistant sub-inspectors have been appointed in the Bengal Police. But the Hon'ble Minister is quite silent whether the Communal Ratio Rules has been maintained or not in this appointment. I do not know the percentage of the Muslims in this Department but I do not think that it will exceed 20 per cent. The following list will show the percentage of the Muslims in the Calcutta Police:—

| | Muslim. | Non-Muslim. | Total |
|---|---|---|---|
| Commissioner of Police | 0 | 1 | 1 |
| Deputy Commissioners | 3 | 10 | 13 |
| Assistant Commissioners | 3 | 14 | 17 |
| Inspectors | 17 | 74 | 91 |
| Sub-Inspectors | 67 | 130 | 197 |
| Assistant Sub-Inspectors | 61 | 207 | 268 |
| | 151 | 436 | 587 |

Thus the total number of Muslims in the Calcutta Police is 151 and non-Muslims 436 out of the total number of 587. This is not the only injustice done to the Muslims but also in the matter of promotion. Muslims

holding service for fifteen years have been surpassed by the non-Muslims holding service for four years only. It is a great misfortune for the Muslims of Bengal under the Muslim League Ministry, that only 20 per cent. of them had the privilege of promotion whereas 80 per cent. of the non-Muslims had the proud privilege of being promoted even sometimes superceding the most just and right claims of Muslims holding service for fifteen years. The proportion of the Muslims in the Bengal Police must be the same. The result is that the people of Noakhali and Tippera are living in the reign of terror for the last few months due to oppression of the police upon the Muslims.

There can be no denying of the fact that some rowdy elements among the Muslims have committed oppression upon the Hindus by setting fire to some homes and also by looting their properties. The number of Hindu homes in the Faridganj police-station is 1,350, out of which 208 Hindu homes were fully and partly burnt. I cannot give you the correct number of houses looted by the *goondas*. But it was true that most of the Hindus posted signboards before their houses saying that they had embraced Islam and thus escaped from looting. Moreover they removed their valuables just on the sight of the fire breaking out in the Raipura police-station in the district of Noakhali. In the Faridganj police-station the number of Hindus killed is 20 and in the Chandpur police-station is a bit more.

But just after the riot was over the Mussalmans as a whole became much frightened and I myself also held several meetings of both the Muslims and the Hindus. In all the meetings the Muslims promised by show of their hands that they would maintain peace and order in future and help the Hindus to the best of their ability. Hindus also assured that they would not leave their homes. But afterwards at the instigation of the Hindu volunteers from outside the subdivision and even the province most of the Hindus whose houses were neither burnt nor looted left their homes and took shelter in the refugees' camp either at Faridganj or at Chandpur. Some of them had gone to Agartola, Comilla and Akhaura also. In the refugees' camp they had their doles and clothes free from the Government, giving of free ration and clothes also attracted some of them to take shelter in the refugees' camp.

Now let me turn to my points that after the riot was over Mussalmans were hiding themselves in the jungles and other places where they considered themselves safe. The armed police force is still ruling the district of Tippera and Noakhali.

Out of thousands of most brutal police oppression only a few are published in the paper. Taking the advantage of absence of the male-members the police even do not hesitate for a moment to commit brutal oppression upon the Muslim women. Due to this oppression about 300 females of Haimchar have come to Chandpur, where the Government give them free ration.

Even an infant of one month and seventeen days old was trampled under feet and killed by the police when they were searching the house of Fouzdar Khan in Paikpara union with some local Hindus

First Information Report also has been lodged against the Muslims who helped them during the riot. The police are also arresting the people indiscriminately without making any distinction between the guilty and the innocent. The police assault them mercilessly and after extorting money from the innocent allow them to go. Hundreds of pages will require if I am to state all the cases of police oppression in full. So I must again say that the people of Tippera and Noakhali are now living in the reign of terror as if the British Government have quitted India before June, 1948.

We went on a deputation to the Divisional Commissioner of Chittagong and also to the Hon'ble the Chief Minister at Chandpur. Both of them promised to put a stop to this police oppression but to no effect.

We also went on a deputation to the Hon'ble Chief Minister on the 10t February last. Thanks, he gave as a patient hearing but the result is a before.

I beg to draw the kind attention of the Hon'ble the Chief Ministe again to the police oppression upon the Muslims of Tippera and Noakha at a time when the soil will have to be prepared for cultivation. But th people do not dare to come in the field for fear of indiscriminate assault an arrest. As a result the vast paddy field will remain fallow and a greate famine than that of 1943 is apprehended at a time when the country i passing through a greater food crisis. And it will not at all be possibl for the Government to cope with the situation when lakhs of people wil have to perish. The Government will be held fully responsible for this an any sort of explanation to convenience the people by sweet words will b of no use.

The course, Sir, the present Cabinet is pursuing now is far from satis factory and there is a possibility of the Muslim League being unpopular i the Cabinet sticks to this course.

Though the Muslim League was founded in Bengal in 1906, actually i was founded about fourteen hundred years back by our most respecte prophet who is the only and the real leader of the Muslim League. Ou present leader of Bengal will also have to follow him in every aspect of hi life and will have to guide the Muslims of Bengal to the true sense of th term which Islam means. When our leader and we ourselves can follo our most beloved and most respected prophet fully then and then only w can achieve Pakistan. The literal meaning of Pakistan is the land of hol place. So for the achievement of Pakistan we require to be holy. W shall have to revive our faith among the Muslims, Hindus, Christians an Buddhists by our philanthropic deeds and not by high sounding speeche and this is the suggestion of Quaide Azam also to revive the faith of th Hindus. You will have to prove by your actions which you speak. W appealed to the Hon'ble Chief Minister to give one Muslim and one non Muslim officer to enquire into the cases filed by the Muslims of Tipper district against the police and the Hindus. But unfortunately for th Muslims one non-Muslim officer has been placed in charge of making enquiry So there has been widespread discontent among the Mussalmans of the sai district for not placing one Muslim officer in charge of the enquiry along with the non-Muslim officer. They think that they cannot expect a impartial enquiry at the hands of a non-Muslim official. So my appeal t the Hon'ble Chief Minister again is to put one Muslim official also in charg of the enquiry.

**Mr. SYED BADRUDDUJA:** Mr. President, Sir, it is rather late in th day that I rise to discuss the budget estimates for 1947-48 presented by th Hon'ble the Finance Minister before this House. Naturally, Sir, I mus have been anticipated by most of the speakers in both Houses of the Legislature. Mine should, therefore, be more or less a rehash of the argument already advanced and a repetition of the same train of reasoning. Nevertheless, Sir, I have the advantage before me of the estimates of receipts and expenditure of the various Provinces as also of the Centre during the las 2/3 weeks. While United Provinces has a small deficit of only 40 lakhs, Bihar of 37 or 38 lakhs, Orissa of a little over a crore of rupees and while Central Provinces, Madras and Bombay show a surplus, though very small, Bengal alone is burdened with a huge deficit of 13½ crores during the current year and 6 crores for the next year 1947-48, making allowance for the fact that we have yet got to meet an additional demand of another 6 crores of rupees if revision of scales of pay were to be given effect to. In that case the deficit for the year 1947-48 will amount to 12 crores of rupees. Sir, let me not be misunderstood. My approach to the position will be friendly and constructive rather than destructive. Opposition for the sake of opposition, criticism for the sake of criticism has been the melancholy burthen

of many a speech in both Houses of the Legislature. But, Sir, even while in the Opposition I did not withhold my admiration for the bold step that the Government of Bengal took in releasing the political prisoners in response to the spirit of the times. It is in that spirit that I shall again approach the problem to-day. Far be it from me that I should in any why cast any aspersions or reflections on the Finance Minister or on any other minister or ministers. Perhaps in their position we might have suffered from the same disabilities, the same limitations and shortcomings that they are suffering from. So I would judge them by a broad outlook, by a liberal standard. We are concerned not so much with individual ministers as with the policy that guides the machinery of the administration, the objective that motivates the inner workings of the Government of Bengal. Sir, Budgets are always to be viewed as a whole, never to be examined piecemeal and that will avoid unfair and unjust criticism and the character of the administration is always to be determined by its output, by its provision for rural relief, its provision under different heads of Nation Building Departments like Agriculture, Education, Public Health, Medical, etc., by its supreme efforts for socio-economic reconstruction of the Province, by its attempt to raise the standard of life of the people in every possible way, by the facilities it provides for educational expansion of the Province of all castes and communities including the Scheduled Castes as also of the other progressive communities that live in this land, by its attempts not to tighten but to lighten the burden of taxation upon the poorer people in this Province, and not, certainly, by an attempt in a haphazard manner somehow to balance the debit and the credit sides of the budget; leaving a yawning deficit which creates an impression in the public mind of the financial rake's mad gamble with the resources of the Province.

Sir, I will now begin with the salutary provisions that have been made under the head "Education", in connection with which much bad blood has already been created both in this House and outside. There is a cry that the Government of Bengal have made sufficient provisions for Muslim education amounting to only ten lakhs out of the budgeted figure of 52 crores of rupees provided for expenditure during 1947-48. Is that a sufficient provision, Sir, for Muslim education? There has been a persistent demand, a persistent cry from all quarters, especially from Muslim youths and students of Bengal for a Muslim University and that for the largest Muslim population in the whole world. Sir, a University for Muslim youths is urgently required if not for anything else but at least to foster the growth of the eternal values of things, those verities of Islam, those magnificent traditions of the Islamic culture and civilisation which are a significant contribution to the cultural heritage of mankind. Sir, we have been urging the Government to make some provision for a Muslim University in Bengal, but hitherto the Government of Bengal have deliberately disregarded the voice of millions of Mussalmans, and I want them to take note of the volume and intensity of the feeling in the Province.

I shall now refer to the provision under Education. In the revised estimates of the current year there have been provisions of Rs. 4,32,000 as contribution to the Muslim Education Fund, Rs. 50,000 for the opening of hostels for Muslim students in Calcutta, Rs. 29,000 for admission of a large number of Muslim students in the Presidency and the Islamia Colleges, all told Rs. 5,11,000. And in the budget for 1947-48 there is an additional grant for increased contribution to the Muslim Education Fund to the tune of Rs. 5,32,000, an additional provision of Rs. 2,18,000 for Muslim hostels in Calcutta, and increased allotment of Rs. 1,80,000 for old scheme Madrassahs and Farkania Madrassa and increased expenditure in England for training of teachers and students abroad of Rs. 5,72,000, grant to the Buddhist Education Fund of Rs. 10,000 and additional grant to the Scheduled Caste Education Fund of Rs. 5 lakhs. In the development programme we find that there is a provision for increase in the salaries of the existing primary school teachers to the extent of 35 lakhs in the revised

estimates for 1946-47 and 54 lakhs in the budget for 1947-48. For encouragement of post-graduate research 10 lakhs was provided in the last year's budget, but unfortunately that figure does not appear either in the revised estimates for 1946-47 or in the budget estimates for 1947-48. But there has been accumulation of unspent balance in the District Primary Education Fund which has been provided for in the budget for 1947-48. In Bombay for primary education alone 173 lakhs was provided in 1945-46 and in 1946-47 Rs. 2,39,00,000; and in 1947-48 3 crores and 79 lakhs. Sir, that is the regard that is paid to primary education in one of the neighbouring Provinces in India, whereas in Bengal only 10 lakhs has been provided for primary education, a magnificent contribution indeed for the development of primary education in this Province. The question may be asked as to how to secure additional amounts for the development projects. We all expected that the Government of India would come to our rescue. The Finance Minister has himself revealed in the budget that he expects a subvention of 69 crores from the post-war reconstruction fund that may finance the development schemes during the next few years. But the desperate financial position of the Government of India raises no hope in our drooping minds and more so because we are passing through a transition period; a great uncertainty hangs over the whole situation and we cannot clearly envisage the position of Bengal *vis-a-vis* the Central Government during the next 14 months God alone knows what would happen to Bengal and what fate awaits us in the near future. Frankly speaking, I have been very much alarmed after H.M.G.'s recent declaration. Already there has been a commotion, a crisis and unless the differences between the two major communities are reconciled we do not know if we will not head towards a tremendous crash.

Now I come to Agriculture, one of the other nation-building departments, for which a sum of 2 crores 89 lakhs has been provided and one crore 2 lakhs and odds have been provided under the Grow-More-Food scheme alone. Sir, Grow-More-Food has been the cry since the beginning of times. But, Sir, what have we grown so far? Have we grown food or thistles and thorns? Have we grown more food? Have we done anything to improve the position of food? Have we improved agriculture? Have we improved the lot of the poor agriculturists? In the Agriculture Department the major portion of the grant is consumed by the administration, the major portion of the money is used for the salaries of the staff. Is that the way of improving the lot of agriculturists? If the Punjab could be converted into paradise, if Sind could be converted into paradise, I do not see any reason why Bengal should not be able to do so in view of the fact that the present Ministry has at least one with a creative talent—at least one of the ablest Ministers in the Province—Mr. Saheed Suhrawardy—I do not see any reason why there should not be an well-planned scheme which could be of benefit to the agriculturists of the Province. Let us not be any longer under delusion. We refuse to believe that all facilities have been provided for the improvement of agriculture of the Province. Bengal has in recent times passed through one of the most disastrous crises that any country in the world has faced and the people of Bengal have been the worst sufferers. What about the high cost of living? Have we done anything to bring down the prices of all commodities? Prices of essential commodities have risen at least 4 or 5 times, and they are still shooting up. Have you done anything to reduce the prices? Is that the way to run the administration of the Province?

Then, Sir, I come to the grants under different heads and I would take a few of them for the purpose of comment. In the Development Programme, under the head "Medical" a sum of Rs. 170 lakhs has been provided in the revised estimates and Rs. 170 lakhs for the year 1947-48 for increase in the number of hospital beds and provision of new beds in rural areas. That is a very salutory provision and it will be of real benefit to the people,

Rs. 1,83,000 has been provided in the revised estimates for the current year and Rs. 2,68,000 in the budget for 1947-48 for the improvement of the Indian Mental Hospital at Ranchi.

In the Public Health Department I will quote 2 or 3 items. For rural water-supply a sum of Rs.2,00,000 has been provided in the current year and Rs.2,50,000 in the budget for 1947-48. These are all salutory provisions. Again for anti-tuberculosis scheme Rs. 17,000 has been provided. No provision has, however, been made for kala-azar investigation. Rs. 10 lakhs has been provided for free distribution of quinine in the revised estimates for the current year and Rs. 10 lakhs in 1947-48. For mapacrine tablets Rs. 40 lakhs has been provided in 1946-47 and Rs. 15,00,000 in the budget for 1947-48 for sale to the public and Rs. 10 lakhs for free distribution has been provided both in the revised estimate and the budget for 1947-48. In the Development programme for rural water-supply scheme Rs. 45 lakhs has been provided both in the revised for 1946-47 and in the budget for 1947-48. For the control of malaria only Rs. 96,000 has been provided in the budget for 1947-48, but Rs. 1,00,000 in the revised estimates for the current year and Rs. 2,68,000 in the budget for 1947-48 has been provided for malaria control in the fringe area of the salt lake. These are all sound provisions for rural uplift. All these grants have been made for eradication of malaria and for this, Sir, I cannot withhold my appreciation of and admiration for the Finance Minister.

Now, Sir, coming to the grants under the head Police I am simply staggered. I am staggered to find that the Police administration has taken away more than four crores of rupees. More than four crores of rupees has been consumed by the Police Department alone. Well, Sir, we saw the activities of the Police Department during the last riots. For 36 hours the entire city of Calcutta was left to the hooligans. The police could not rise to the height of the occasion—rise to the gravity of the situation, and on account of their inactivity and inefficiency so many innocent lives were lost. So the increase under the head of Police Department is absolutely unjustified. Unless a better and a more healthy atmosphere is created in the Police Department there is no justification for any increase under this head. I need not say anything more about it and I now come to one of the most distressing points in the budget. I am deeply distressed at the yawning deficits that threaten to hurry Bengal to her doom. From 1943 to 1947 is not a far cry and yet within this incredibly short space of time Bengal has been landed into a disaster which has had its effects on the finances of the Province. I will show by figures that while the revenue receipts have gone on increasing from Rs. 13 crores and odds in 1937-38 to Rs. 47 crores in 1047-48, the expenditure has also increased to a colossal figure of Rs. 52 crores. While Bombay in spite of the riots of a chronic character could show a surplus in 1946-47 and in 1947-48, in spite of its close proximity to war zone, Assam could show a surplus, in spite of the acute shortage and food crisis Madras could show a surplus, Bengal alone has a huge deficit. There are deficits in other Provinces, but the deficits there amount to only a few lakhs. And why this huge deficit in Bengal? The reason is not far too seek. All this deficit, all these losses can be traced back to the Civil Supplies Department. The whole machinery in the Civil Supplies Department has been rotten and gangreened to the core during these 3 or 4 long years. The total capital outlay on the transactions of food was placed at Rs. 76 crores during 1943-44 and the loss was estimated at Rs. 3½ crores. The total capital outlay in 1944-45 was Rs. 81 crores out of which a loss of Rs. 5 crores was anticipated on procurement operations. The actual loss incurred on procurement operations was Rs. 3,86,77,000 in 1943-44, Rs. 13,62,06,000 in 1944-45, Rs. 2,25,20,000 in 1945-46, Rs. 2,45,26,000 in the revised for 1946-47 and Rs. 1,51,00,000 in 1947-48. Then under Boat Construction the loss is Rs. 17,34,000 in 1945-46 and Rs. 1,56,14,000 as has been shown in the budget for 1946-47 but which has since been reduced to Rs. 29,76,000 in the revised estimates

and Rs. 1,26,56,000 in 1947-48. These are colossal figures indicating colossal brains and schemes that operate behind the scene. Sir, the Legislature was kept in the dark about these operations. They say there were no storage facilities but actually there were any number of storing agents all over the country, any number of experts in boat construction available, but these people could not be utilised for reasons best known to the people at large! Mr. Hamidul Huq Chowdhury rightly pointed out the other day that all the businessmen in Bengal thrived during these years, but only the Government of Bengal sustained heavy losses. And all these happened behind the scene. Sir, I stagger to think that these losses were not even properly accounted for. I do not like to rake up those unpleasant things of the past which happened from year to year. They thoroughly exposed the hollowness of the pretensions put forward by the persons responsible for the administration of the Province. Sir, the Woodhead Commission has shown who were responsible for the miseries of the people in 1943. I am sorry for the Finance Minister and I sympathise with him in his misfortune. He has been suffering from an unfortunate legacy of the past. He pleads for the revision of Niemeyer's Award. All responsible sections of this House and outside will co-operate with him in his demand for better allocation for Bengal. I have no grudge or grievance against him. Unfortunately, he has inherited a legacy and even now he has to suffer on account of that legacy.

These losses, as has already been pointed out by other speakers, were never accounted for. Perhaps the stocks were never verified and checked and nobody took any interest in the matter. And the contributory factors like "damaged stocks", "loss in transit", etc., etc., were responsible for further losses. They went on expanding and expanding and at last mounted up to a colossal figure and all these are connected with the administration of the Civil Supplies Department. (Mr. HARIDAS MAJUMDAR: The loss was incurred perhaps to develop the bank balance of some people.) I shall not cast any reflection upon any person. I do not claim any perfection myself; Cæser's wife is above suspicion. This Ministry is at the helm of affairs in this Province on the verdict of the electorate. I look to them for guidance and inspiration in this darkest hour that Bengal is passing through. Graver responsibilities will rest upon their shoulders to-morrow. It may be that the Bengal Government will acquire more powers with the passage of time. They may continue, but they can justify themselves only by their achievements, by their record, by their contribution, positive and significant, to the political, the social, the economic, the cultural and the educational reconstruction of the Province. I deeply appreciated the observations of the Leader of the Opposition the other day while he was discussing the subject of a Muslim University in Bengal. He would have more and more facilities, would have more and more provision for Muslim education. That is the spirit that must actuate the leaders of Bengal. That is the spirit that is actuating the Hon'ble Mr. Saheed Suhrawardy at the present moment. It is in that spirit that the Ministers are vying with one another at the present moment and pleading for a greater Bengal, for a resettlement of the conflicting interests, for a reconciliation of the divergent claims. They plead for a coalition today in the year of grace 1947. Coalition in the year of Lord 1941 was a reality. Today again they are talking of a Coalition. Sir, we have ever pleaded for a better understanding, better relations between the different communities, for a greater Bengal, a wealthier Bengal, a richer Bengal, a cleaner Bengal, a more prosperous Bengal which would adequately represent all the communities, would thus lead to the political, cultural, social and moral evolution of this Province. In this darkest hour of India's history we look to the three great personalities of Modern India, Md. Ali Jinnah, Mahatma Gandhi and Pandit Jawaharlal Nehru, to save the crisis of India. They alone can deliver the goods. They alone can make or mar the picture of India. There is not a fourth man in India at the present moment. Let us not

lose our heads; let us look to them for guidance. But we on our part must try to sit across the table, discuss things in a true spirit, not in a spirit of isolation, not in a spirit of exclusion, but in a spirit of affiliation, in a spirt of sympathetic co-operation, in a spirit of coalition, in a spirit to adjust and reconcile the divergent claims, to rehabilitate Bengal, to shape and mould her destinies and to integrate the scattered forces of Bengal towards political, social and cultural evolution. Sir, I would like further to place before this House the figures of two major Provinces of Bombay and Bengal from the year 1938-39 to the year 1947-48. That will at once clinch the argument that will show how Bengal has drifted from bad to worse. In 1938-39 the revenue of Bombay was 12 crores 44 lakhs and expenditure 12 crores 79 lakhs and deficit 35 lakhs. For the same year Bengal's revenue was 12 crores 76 lakhs; expenditure 12 crores 76 lakhs; no deficit. For 1939-40 Bombay's revenue was 13 crores and 14 lakhs and expenditure 12 crores and 83 lakhs; surplus 31 lakhs. For the same year Bengal's revenue was 14 crores and 31 lakhs and expenditure 13 crores and 71 lakhs; surplus 60 lakhs. For the year 1940-41 the revenue of Bombay was 14 crores, 48 lakhs; expenditure 13 crores 60 lakhs; surplus 88 lakhs. For the same year Bengal's revenue was 13 crores 54 lakhs; expenditure 14 crores 45 lakhs; deficit 91 lakhs. For the year 1941-42 Bombay's revenue was 16 crores 86 lakhs; expenditure 15 crores 25 lakhs; surplus 1 crore 61 lakhs. For the same year Bengal's revenue was 14 crores 94 lakhs; expenditure 15 crores 50 lakhs; deficit 56 lakhs. For the year 1942-43 Bombay's revenue was 19 crores 70 lakhs; expenditure 17 crores 78 lakhs; surplus 1 crore 92 lakhs. For the same year Bengal's revenue was 16 crores 46 lakhs; expenditure 16 crores 79 lakhs; deficit nearly 33 lakhs, that was the year of Mr. Fazlul Huq's Coalition Ministry. (The Hon'ble MR. MOHAMMED ALI: which year?) The year was 1942-43. (The Hon'ble MR. MOHAMMAD ALI: Wrong, wrong.) In 1943-44 the budget estimate as presented by Mr. Fazlul Huq was 16 crores, 1 lakh and 87,000, expenditure 17 crores, 54 lakhs and 85 thousand, the revised 22 crores, 40 lakhs and 9 thousand, and revenue expenditure 32 crores, 53 lakhs and 6 thousand, and the actual was 23,71,72,000 and expenditure 26,75,18,000. Expenditure has thus mounted up till today in the year of grace 1946-47 we have reached a revenue of 38 crores and an expenditure of 52 crores as shown in the revised for the current year, and for 1947-48 revenue receipts of 47 crores and odds and expenditure of 53 crores and odds.

Sir, this is the picture presented before the House. I will not quote any further figures. They only show which way the wind is blowing. It is a peculiar phase of the administration. The Finance Minister says that three crores of rupees have been increased under the head "Famine" and 2½ crores under "Miscellaneous" for the relief of riot victims and refugees but these have been offset to some extent by reduction to the extent of about 2 crores of rupees, in respect of ordinary charges, under Agriculture, Irrigation and Civil Works. Sir, far be it from me to cast any reflection upon any Minister, but I have got to draw attention to the real state of things. The amounts likely to be incurred under the development project are 8 crores, 6 crores under revenue account and the balance one crore and odds on capital account. Decrease of 3½ crores under revenue account is accounted for by a saving of 48 lakhs under "Irrigation", 9 lakhs under "Education", 14 lakhs under "Agriculture", 27 lakhs under "Industries" and 2 lakhs 58 thousand under "Civil Works" and 27 lakhs under "Miscellaneous". Sir, you will see that under "Education" the decrease is due to the abandonment of the scheme for encouragement of post-graduate research in Calcutta University under the the "University College of Science". Sir, could anything more preposterous be conceived of in this land of science and culture in modern India, the land of Sir Jagadish Chandra Bose, Sir P. C. Ray, and Dr. Meghnad Saha? I would plead with all the emphasis at my command for greater and greater facilities for educational expansion for my Muslim brethren and the Scheduled Castes, but I

w with dismay any attempt to put a brake on the wheel of progress of community which has during the last few decades built up the educational d scientific structure of Bengal. To retard their progress would be retarding the general progress of education in Bengal and I therefore deprecate very much the cutting down of expenditure under this head. It is very unfortunate that there has been no cutting down or reduction of expenditure under the head "Police", the Civil Supplies Department, Extraordinary Charges, or Famine. The Civil Supplies Department, Sir, is a monster which employs thousands of men on colossal scales of pay. Our first class M.A.'s, B.A.'s are recruited on a scale of Rs. 50 or Rs. 60 per mensem but under-graduates, matriculates and even non-matriculates have been employed in this department on salaries ranging from Rs.200, Rs. 300, Rs. 400, Rs. 600 to Rs. 700. Sir, is public money to be squandered away like this? Sir, accidentally I met some students of the Dacca University while going to Mymensingh very recently; they pleaded for better emoluments. Dr. Hassan, the Vice-Chancellor of the University, happened to be in the same steamer also. He said, "do you think that the University should copy the example of the Civil Supplies employees of the Government of Bengal", etc. etc. They are getting Rs. 600, Rs. 700 Rs. 800 and Rs. 900 and some times more. The department is rotten from top to bottom—it is gangreened to the core—the whole atmosphere is full of corruption. Hitherto, Sir, there has been a stigma attached to the Police administration of the Province. But the Police Department cannot compete in corruption and inefficiency with the Civil Supplies Department. The whole department has acquired a bad odour about it. Why an army of thousand employees should be maintained at a huge expenditure and be allowed to drain away the resources of the Province? Less than half the strength on much lesser salaries and emoluments would be more than sufficient for this poor Province.

Now, Sir, I must say a few words in reply to what the honourable leader of the European Group has said about the Calcutta Corporation. He cast a fling at the administration of the Calcutta Corporation and spoke about mismanagement of its finances and incidentally he hinted at its supersession. Sir, I owe it to myself to join issue with him in this respect in the most respectful manner. Could there be a more glaring example of mismanagement than what prevails in the provincial administration here? If the guilt of the Corporation justifies its supersession, I beg to be excused if I assert that the provincial Government has also to be superseded. What is sauce for the goose should be sauce for the gander as well. I know, Sir, there has been some mismanagement, some remissness in the Corporation. Having served the Corporation for a number of years, as its Mayor and in other capacities I know more of Corporation affairs than anybody else here except perhaps my esteemed friend Mr. Nahar who has been in the Corporation for a longer period and I hope he will correct me if I make mistakes in what I say. I know, Sir, that the Corporation has blundered, has often mismanaged and has bungled its affairs. But there has been no bungling compared with the bungling of the Government of Bengal. Sir, today we are faced with the logical conclusion of the demand for partition of India. Now, Sir, I come to the question of partition of Bengal which is being advocated by a section of the people. No good will be served by partition. We are for Pakistan if Pakistan means sovereign State—nobody can grudge that. But why cannot we Hindus and Muslims discuss at a conference the real position—why should we not, 360 lakhs Muslims and 340 lakhs Hindus, be able to form a composite Government in the Eastern Zone and work for our mutual good, for our mutual benefit. Majorities must have the reins of administration in their hands and minorities have to live on their suffrage. I do not see any reason why our Hindu brethren did not concede to Pakistan in the Eastern Zone. Under that scheme Muslim majority could have been reduced from 55 per cent. to 51 per cent. In any scheme with the respective

strength of Hindus and Muslims in the total population of Bengal and Assam, no Government can function without mutual co-operation and assistance. With mutual goodwill and co-operation only it is possible to have such a Government. Why then is a cry for partition. Fortunately Mahatma Gandhi and Mr. Sarat Chandra Bose are against this partition. They are of opinion that it is not possible to divide Bengal. If it is done, there would be no end of complications. I say it is not practicable. If you want partition of Bengal, to-morrow in Bihar 40 lakhs of Muslims will cry to have a separate Province, next day 60 lakhs of Muslims in the United Provinces will ask for the constitution of a separate Province, similarly the Muslims across the Malabar Coast in Madras will demand a separate Province, so there will be no end of complications. The talk about partition is not, therefore a feasible proposition. The Ministers are now vying with one another for a Coalition Ministry. While we must look to the three great men of Inda, Mr. Jinnah, Mahatma Gandhi and Pandit Nehru for guidance, we ourselves must plead for an adjustment of the conflicting interests in Bengal. In the name of all that is holy, in the name of all that is grand and glorious, in the name of all that is noblest and sublimest in human nature, in the name of truth and justice, we have got to develop ourselves, we have got to integrate the dying forces towards the track of spiritual reconstruction of our society.

Sir, we want to live and let live. We shall not encroach upon others' rights and privileges nor shall we allow encroachment on the sacred and inviolable rights of Moslems. We must try to make it possible for all communities to live in peace and amity. I believe that if we leave no room for misgivings and doubts, if we mean well and if our efforts are genuine there is bound to be peace and harmony in the land.

With these words, Sir, I conclude my speech.

**Mr. AMULYADHONE ROY:** Sir, I do not agree with my honourable friends who think that the budget has been prepared for one community alone. I do not agree with those remarks of my honourable friends who said that it was an Islamic budget. On the other hand I would submit that a word of congratulation should go to the Hon'ble the Finance Minister for creating a special fund for the Muslims and the Buddhists. I also thank him for enhancing the grant for the education of the Scheduled Castes. But the budget does not indicate any solution of the financial problems with which Bengal is confronted. How long the administration of a Province can go on by borrowing or begging from the Centre? I think the Hon'ble the Finance Minister's hope for financial help from the Centre may be belied. Even if the entire proceeds of the tax on income and the duty on jute is conceded, it cannot be quite sufficient for our evergrowing requirement. There is another aspect which should not be entirely excluded from our consideration. We may be faced with unforeseen circumstances and innumerable difficulties on the eve of transfer of power from Britain to India. We may have to land in regions hitherto unknown to us. To meet all these contingencies the Ministry must mobilise all their forces and find out all their resources. Remove corruption, ill-administration and maladministration. Liquidate the zemindaries and nationalise the industries.

Sir, I shall now put forward some demands on behalf of the Scheduled Castes. The Ministry must concede to the Scheduled Castes a share of the trade and commerce in the country. I also congratulate my friend Mr. Patiram Roy for claiming a separate college. My friend realises and he believes in the separate entity of the Scheduled Castes but pressed by the circumstances, he has found a place which does not suit him. I also draw the attention of the Hon'ble Minister to a flagrant breach of the Communal Ratio Rules. To remedy this a member of the Scheduled Castes must be appointed on the Public Service Commission. So far as retrenchment is concerned, no member of the Scheduled Castes should be retrenched unless the community exceeds 15 per cent. of the appointments in the department

concerned. Another important aspect, another impórant feature of this year's budget is the declaration by the Finance Minister about the liquidation of the zemindary system. We had occasion before to pronounce on the floor of this House and give the zemindars a clear warning. That time was not far off when the people of Bengal would awake, arise and throw this inglorious chapter on the land revenue system into the Bay of Bengal. Let the zemindars, the creatures of the Permanent Settlement, respond to the urgent call of the country. Let the zemindars once for all forget the foolish and false idea that they are the proprietors of the soil. However this momentous declaration is lacking in some detail. Firstly there is no idea of time given by the Government when this pernicious system will go: secondly how the Ministry proposes to pay this estimated sum of 82 crores of rupees to the zemindars as compensation. At any rate, Sir, Bengal must not be mortgaged to the zemindars for another 200 years. If compensation is to be paid it must be paid by instalments out of the income of the zemindaries after deducting the costs of collection of revenue and the establishment. At any rate, no liability should be thrown on the general revenues of the Province. Now, Sir, with your permission and subject to your ruling I wish to touch one or two points. Reference has been made by my colleagues on my right to the Cabinet Mission and the mischievous agitation now known as the Partition of Bengal. Sir, the declaration of the Cabinet Mission in regard to the position of the Scheduled Castes is a betrayal of the most worst type. The Labour Government of England caught by the trap of the Congress in the false hope of trade facilities want to hand over the 8 crores of people bound hand and foot—people who are unconscious of and unable to defend the natural rights of humanity. The Prime Minister of England appears to be acquainted with the disease from which the Scheduled Castes are suffering in the Hindu society, but, Sir, he has referred them to a physician who has been eating up their blood and killing their soul for the last 2,000 years. Now, Sir, a word or two about the partition of Bengal. It is a silly, it is a foolish agitation carred on by a few handful of men to protect their vested interests. Sir, we are not prepared to allow a section of our people to live within a purely caste Hindu *raj*, for fear of social, economic and political tyranny of the black days of the past and the present. Look at the map of India and separate the Muslim majority provinces from the Hindu majority areas. What do you find? You will find that the condition of the members of the Scheduled Castes in the Muslim majority areas is much better than those living in the area dominated by the Hindus. You will find, Sir, that the economic condition of the members of the Scheduled Castes now living in your future Hindu kingdom of West Bengal, Bihar, United Provinces and Madras is much worse. The social and economic tyrannies are by far greater and extortion and exploitation and oppression at the hands of the Caste Hindus know no limits. The Scheduled Castes are not treated even with that much respect shown towards beasts and dogs. Only a few months back the Congress Government of Madras sent a member of the Scheduled Castes to jail for the so-called offence of burning his child on the funeral pyre of the Caste Hindus. I tell you, Sir, in clear terms that the Scheduled Castes of Bengal do not want any partition and yesterday a resolution has already been passed by the Bengal Provincial Scheduled Castes Federation to oppose this move with all the force at their command. I am sure the Muslims will never tolerate any fragmentation of the Province. Sir, probably the middle classes between the so-called caste Hindus and the Scheduled Castes commonly known as *Navashakas* are opposed to it. Then who want this partition? Two per cent. of the caste Hindus and why? The idea behind is this——

**Mr. PERSIDENT:** Mr. Roy, what about the budget?

**Mr. AMULYADHONE ROY:** Sir, some members have spoken on partition and I am only referring to that.

**Mr. PRESIDENT:** But you are making it the main topic of your speech. Please come to the budget.

**Mr. AMULYADHONE ROY:** I am only replying to a point raised by some of my friends on the other side. As I was saying, it is only one or two per cent. of caste Hindus that want partition. And why do they want it? They want it because they want to threaten the Muslims to give up their cry for Pakistan and my advice to them is that force is no remedy. The only way is to persuade the Muslims to live in an united India is to restore their confidence by practical actions. That is the advice that I am giving them. The Congress has committed a great blunder by passing a resolution of the Working Committee on the partition of the Punjab and it leads every right thinking man to the irresistible conclusion that the claim for Pakistan is justified. (Interruptions.) Alas, the advocates of Indian nationalism and unity of India, you will go so much down. Yet probably all your colours have not been exhibited before the world and they will be gradually known as time goes by with the growth of democracy. But, Sir, as you are impatient, I would finish soon. In all seriousness I would ask all my friends to realise that the partition of West Bengal will lead to the partition of every district of Bengal, district by district, village by village. (MR. HARIDAS MAJUMDAR: Why?) Mr. Majumdar you should remain quiet. If you do not submit to the Muslim rule, why should the Muslims in India submit to Hindu rule? (MR. MAJUMDAR: We don't want them to.) You may take it from me, Sir, that your West Bengal will never be partitioned and we shall resist it with all our force.

**Khan Bahadur A. M. SHAHOODUL HAQUE:** Mr. President, Sir, even timely discussion of the budget estimates in this House and from this side of it, is found to be more or less a formal matter and their discussion after voting on demands has already commenced in the Lower House is rather a dull fruitless affair. So I do not propose to speak at any length nor do I propose to take the House through the labyrinth of figures. I shall content myself with making certain general observations only about the policy and the programme of the Government as envisaged in the estimates by one belonging to the Government party.

Sir, the Hon'ble the Finance Minister really deserves our sympathy, that for circumstances so ably narrated by him in his budget statement over which the Government had had no control whatsoever, he is confronted with the most awkward position of having to present such a heavy deficit budget for the second time during his tenure of office as Bengal's Chancellor of the Exchequer. Bengal had had seven other deficit budgets previous to this following the notorious Niemeyer Award and the reasons are not far to seek. Bengal will tide over the heavy deficit when either a financial resettlement has been reached with the Central Government or when Bengal has attained her full stature of being a Sovereign Independent State within a little over one year now, having full control over her financial resources.

The Finance Minister deserved congratulations for the boldness he has displayed in augmenting grants under different heads for developing the Province without resorting to any new taxation immediately to wipe out the heavy deficit. He will possibly think of new taxation after the officer who has been deputed abroad to examine the technique of new taxation in foriegn countries, has returned after mastering the technique. We, on this side, have no objection to new taxation if, that does not touch the poor people.

Sir, while things are moving very fast all around us, it is to be regretted that the Government do not appear to be moving with the times with the same pace. They are not ready with plans and schemes either in the post-war reconstruction sphere or any other sphere in the day to day administration. Whenever a query is made about the progress of work the invariable reply has been either "that a comprehensive scheme is being drawn up" or

"that a comprehensive scheme is under consideration". There is no escape from the criticism that the Government have been moving snail like in the old hackneyed or leisurely way. Matters and things which call for quick decision and disposal, take long to get out of the Secretariat dovecotes.

That the Government have been too slow to move is evident from the fact that large sums of money sanctioned in the closing year's budget have remained undisbursed under many heads. Employment of officers in the capacity of Special Officers, after return from leave or training, for months together, having had almost nothing to do during the period they are so employed in between their posting to substantive posts, is another instance in point. This shows that some screws are very loose somewhere and this entails heavy wastage of public funds and man-power of the Province. Serious note ought to be taken of this state of affairs and the screws either tightened or replaced.

Sir, agricultural improvement of the country without providing for irrigation facilities and exterminaion of water-hyacinth pests—there being no such projects either for East Bengal or for North Bengal seems hardly possible of attainment.

The Civil Supplies Department, which I had called "Civil Denial Department" in my last budget speech, has had a bad past and does not seem to have improved any the whit. There is hardly any justification for the existence and continuance of this Department at such heavy costs when the Department having taken in its own hand the purchase and procurement of rice and paddy has signally failed to keep down the price of paddy and rice in the deficit districts by sending adequate quantities of paddy and rice in those places. The Government are certainly aware that a very high price is ruling in the deficit districts which is beyond the purchasng capacity of poor and poor middle class people. The Department should justify its existence by taking immediate steps for stabilising the price of rice and paddy by procuring and supplying adequate quantities or should wind up leaving the people to their fate.

Sir, it is painful to have to refer to the boat construction scandal again this year. That episode should have been long closed by quick disposal of the boats and so much money should not have been wasted over the maintenance. This is yet another instance how public funds are wasted for not taking quick decisions.

Sir, barring a provision of 37 lakhs for revisional settlement operations preliminary to state acquisition of rent receiving interests, there is no provision in the budget for initiating proceedings for state acquisition even in those districts where the revisional settlement operations are already over. So it seems extremely problematical as to whether the question of state acquisition of rent receiving interests will be taken up by the existing Government under the existing constitution although a Bill is said to be under preparation and proposed to be referred to a Select Committee after introduction during the current session of the Legislature. It is doubtful if this will satisfy the people who are clamouring for the abolition of the zemindary system outright here and now—even without paying any compensation to the landlords. Preamble to the Bargadar Temporary Provision Bill has raised suspicion in the mind of the public that Government re trying to evade the main issue for the time being.

Sir, the Government have not yet been able to forsake their love for retired officers. The war exigency over, there is hardly any justification for their retention in the public services any longer to the detriment of the interest of young unemployed and employed people. Government should be well advised to bid adieu to these officers at the close of this month. Sir, if contentment and security are contributory factors for creating zest in work and making for efficiency, what justification is there in keeping so many Deputy Collectors and Sub-Deputy Collectors hanging on a temporary basis for such a long time?

Sir, criminal inaction of the police during the August disturbances in Calcutta and Howrah and their excesses in Tippera and Noakhali in October and November reveal a hopeless and a scandalous state of affairs and constitute a slur on the police administration of the Province.

A complete overhauling of the Police Department is called for, to justify the enhanced grants for it. Strengthening of the police force alone will not help in the maintenance of law and order in the country. So long as the people professing different religions and having different ideologies and cultures will have no respect for law and order, and will not consider human body, life and property sacrosanct and will not try to understand each other's views dispassionately, there will be no end of the troubles.

Sir, it is a happy sign that the Government have set up an Advisory Committee in connection with the Sports Stadium in Calcutta which will be a paying proposition and are contemplating to set up a Housing Board for the administration of the scheme for providing subsidised housing accommodation for the poorer classes. It is hoped Government will profit by the advice of these bodies. Sir, of committees, commissions, boards and conferences, there have been too many of these in this Province in the past entailing heavy costs but without bearing any fruit because the Government had set them up only to divert public agitation and not to be profited by their deliberations. Though the past experience with regard to these has been anything but encouraging, still I would like to suggest the setting up of an Economic Committee consisting of officials and non-officials to explore ways and means for effecting economy in the cost of administration without impairing its efficiency on the lines proposed by the Hon'ble Mr. Liaquat Ali Khan, the Finance Minister of the Interim Government.

I would suggest the setting up of an Anti-Corruption Board to effectively combat and eradicate corruption in the Public Services composed of a personnel of transparent honesty and strong character. Corruption is a legacy of the last world war which engendered the propensity of "getting-rich-quick" in almost all classes of people not excepting the public servant by means fair or foul. Whipping in addition to heavy fine and imprisonment should be imposed on those public servants found guilty of corruption.

I would also suggest the setting up of a Board with powers for revising the communal ratio rules in the public services, for seeing the revised communal ratios being properly maintained not only in appointments but also in postings throughout Bengal.

Sir, I shall now dwell on the educational portion of the budget which has evoked so much ungenerous and adverse criticism from some members of the Opposition who have chosen to call it an "Islamic Budget", a "Communal Budget", and a "Budget which has ignored the existence of Hindus in Bengal", for the simple reason that some provision has been made in it for giving facilities to those who are admittedly backward in education in order to enable them to make the leeway. For the ten lakhs of the Muslim Education Fund, erring almost on the side of generosity, there is another ten lakhs for the education of the Scheduled Castes who are also equally, if not, more backward in education. Are they not Hindus? How then, the Budget has ignored the existence of Hindus in Bengal?

Now, let me revert to item 37—Education—General and draw the attention of the Government to the growing public dissatisfaction as the Porvince seems still to be groping in the educational field for lack of a clearly defined objective with the result that little or no progress has been made so far. There have of course been committees and conferences but what is exactly the policy and programme of the Government we have yet to know. The Budget gives one the impression that the Government are apparently still holding and nursing Macaulay's baby. But, with only a little over a year between now and complete self-Government, it is high time that the Government should start at least thinking about a substitute in its place.

Sir, Attempts merely to enlarge or adapt the existing system are bound to prove wasteful and futile, because the present system has been built on a foundation which is neither democratic, nor sound educationally, practically confined to the upper and middle classes of the Society. The existing system chiefly aimed at producing the clerical and other subordinate personnel for Government and merchant offices. With its emphasis on the ability to cram, memorise, copy and reproduce, it certainly attained its objective of mass production of people trained to do things at the bidding of others. With no real scope for free and independent work at any stage of education, it has proved utterly unsuited for developing the real powers, for producing the leaders and self-relient citizens, with initiative and enterprise, with power of clear thinking and constructive imagination, as we require, if our country is to take its place among the free nations of the world. It must be admitted that so far as the education of the masses is concerned, not even its fringe has so far been touched. Adult education has been completely neglected, and the present Budget has not provided a pie for it.

Sir, As regards primary education, we have just an apology for it. Our conception of primary education has at no time gone beyond the narrow limits of provision for mere literacy. Even there one notes with dismay that the percentage of literacy remains stationary at the shameful figure of 15. It is not surprising. Nothing better can be expected when the primary teacher is paid no more than a beggarly pittance. It is not education but deception in the name of education to continue which would be unworthy of a responsible popular Government. A redeeming feature of this budget is the provision of Rs. 54 lakhs under "Development Programme" for increasing the salary of primary teachers in place of Rs. 20 lakhs provided in the closing year's budget. But, I am afraid, we are now past the stage of tinkering with the problem. The time has arrived for honestly and boldly facing it. The matter can no longer be shelved simply on financial grounds. Whether as an autonomous Province or a free state, Bengal can now certainly plan on the expectation that it will get its full share of income-tax and customs duties including 100 per cent. of the jute export duty, in the near future, and if necessary fresh taxes must be levied, but our present or future electorate cannot be left uneducated except with disastrous consequences. A complete reorientation in the Government's outlook on education is therefore essential. There must be a comprehensive and well-thought-out scheme of education dealing with all stages, and education must be real education which would prepare our people to perform their duties as free citizens according to their ability and aptitude.

Sir, The House ought to be given the details of the compulsory education scheme that the Government are proposing to introduce. The Government should guard against the futility of compelling the children to attend the primary schools as they are today. Without an adequate arrangement for improving the primary schools, such a measure would simply increase the wastage and might even end in a farce for want of proper supervision. Rather than take up whole districts as units for compulsory experiment, the Government should select, according to their resources, selected unions in each district, and so equip and staff the schools in those areas that the education the children are compelled to receive is something worth having and lasts long enough as to ensure against a relapse into illiteracy. If the suggested procedure is followed, supervision should also present no special problem, since the existing inspecting staff would be able to concentrate on such small areas. Other areas of the district may gradually be brought under the scheme as speedily as the resources of the Government in respect of qualified teachers, inspecting staff and finance permit.

Sir, it is a good thing that the Government for the first time have been alive to the need for providing facilities for primary training. But I should draw the attenton of the Government to a sad omission, namely, the lack of

any provision for research in education. It has been our fate to depend for our knowledge on sources outside our country and to be content with secondhand knowledge, perhaps obsolete and out-of-date in most cases, or inapplicable to our conditions. There cannot be a greater tragedy than this that though our children are there in our own country, our teachers derive their knowledge of children from other peoples' study of other children for the simple reason that no arrangement exists for a systematic and scientific child-study in our country. If the foundation, Sir, of our education system is to be truly laid, it must be based on our needs and it must suit our conditions.

**Mr. PRESIDENT:** How long will you take to finish?

**Khan Bahadur A. M. SHAHOODUL HAQUE:** Two or three minutes, Sir.

I would therefore urge on the Government the need for the establishment of a bureau or institute of child-study and psychological research. The Government of India have provided in the Budget for 1947-48, for the establishment of such a bureau. Bengal should wake up and boldly face the educational problem if she does not want to lag behind.

Sir, I feel I should impress on the Government the urgency for improving the educational administration by changing it radically. If we are abolishing subinfeudation in our land system, let us also abolish the hierarchy in our educational administration. The amalgamation of the Director of Public Instruction's office and Secretary's office can take place forthwith thereby increasing the speed and efficiency at headquarters. Enthusiastic and energetic people with power of initiative, drive and leadership should be picked and chosen for the key positions with the duties specifically defined and they must get things done within the allotted time. Inefficiency and delay should be dealt with ruthlessly. Thus alone can we achieve speedy progress.

So, with these words I resume my seat.

**Mr. PRESIDENT,** Order, order. The House stands adjourned till 1-45 p.m. tomorrow.

## Adjournment.

The Council then adjourned till 1-45 p.m. on Tuesday, the 18th March, 1947.

## Members absent.

The following members were absent from the meeting held on the 17th March, 1947:—

(1) Mr. Hemendra Kumar Das,
(2) Mr. Bankim Chandra Datta,
(3) Khan Bahadur Shaikh Fazal Ellahi,
(4) Mr. Eric Dermont Doyne,
(5) Mr. Mungturam Jaipuria,
(6) Alhadj Khan Bahadur Shaikh Muhammad Jan,
(7) Mr. Humayun Z. A. Kabir,
(8) Mr. Syed Abdul Majid,
(9) Mr. Nagendra Nath Mokolanabish,
(10) Mr. T. B. Nimmo,
(11) Dr. Kumud Sankar Ray, and
(12) Mr. Reajuddin Bhuiya.

WBGP-47/8-4384A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session, 1947—No. 20.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, on the 18th March, 1947, at 1-45 p.m., being the 20th day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTION AND ANSWER

### Cost of the Damodar and Mor Schemes.

**71. Mr. SYED ABDUL MAJID:** Will the Hon'ble Minister in charge of the Department of Irrigation and Waterways be pleased to state—

(a) what is the estimated cost of the Damodar and Mor Schemes;

(b) what portion of the cost will be borne by the Government of Bengal for each of these schemes;

(c) which districts or portion of the districts will be primarily benefited by these schemes;

(d) whether the Government have any such reconstructive scheme for any district of Eastern Bengal; if so, what will be the cost of the scheme; and

(e) whether any committee of non-officials had been consulted in preparation of those schemes?

**MINISTER in Charge of the DEPARTMENT of IRRIGATION and WATERWAYS (the Hon'ble Mr. Tarak Nath Mukherjea):** Certain information has been called for and the reply will be furnished as soon as it is received.

**Mr. BIREN ROY:** Is that a reply, Sir? That is no reply and I think the question should be postponed.

**Mr. SULTANUDDIN AHMED:** Yes, Sir, the question should be postponed.

**The Hon'ble Mr. TARAK NATH MUKERJEA:** I have got the answer, Sir,—

**Mr. PRESIDENT:** Then you can give it now.

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Sir, with regard to (a) and (b) regarding the estimated cost of the Damodar and Mor schemes it has not yet been calculated finally what would be the cost, the apportionment of cost has not yet been fixed regarding Mor schemes. (c) Practically all the districts will be benefited by these schemes. There are various other schemes for North and East Bengal, namely, Tistha, Karnaphuli Schemes and many other schemes. These schemes have been drawn up by the expert engineers, and no non-official committee has been formed.

**Mr. LALIT CHANDRA DAS:** There are so many schemes, so will the Hon'ble Minister please state what has been the estimated cost of the Gumti embankment in East Bengal?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Gumti will cost 12 lakhs.

**Mr. LALIT CHANDRA DAS:** Will the scheme be put into effect this year?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** It is being experimented and if it is possible it will be put into effect this year.

**Mr. LALIT CHANDRA DAS:** For how many years the scheming will go on and nothing will be done practically?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** The difficulty is that these embankments are private embankments and we are negotiating with the private persons, the landlords, for their consent and hence the delay.

**Mr. LALIT CHANDRA DAS:** We are hearing the same story every year, namely corresponding with the landlords. When will the practical work begin?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** I do not know what were the stories told in this House previously but the fact remains that the Government took up these schemes only 3 or 4 months back and I hope they will be completed soon.

**Mr. LALIT CHANDRA DAS:** What will be the cost of Cornaphuli scheme?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Sir, I do not think this question does arise. This question is only about the Damodar scheme and Mor scheme.

**Mr. LALIT CHANDRA DAS:** Arising out of (*d*) "whether the Government have any such reconstructive scheme for any district of East Bengal; if so, what will be the cost of the scheme.....". So I want to know what is the cost of Cornaphuli scheme which will affect the Chittagong district?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** There are hundreds of schemes and if the honourable member wants details, I want notice.

**Mr. PRESIDENT:** Questions over. We shall now resume the General Discussion of the Budget. Yes, Mr. Biren Roy.

## General Discussion of the Budget.

**Mr. BIREN ROY:** Sir, it is now practically winding up the Debate on behalf of the Opposition at the fag end of the discussion today and we have only 45 minutes left after which the Finance Minister will reply. Perhaps the replies are also written for him and so it will be very unreal to bring about many things which may not be answered at all. I sympathise with the lot of the Hon'ble the Finance Minister who had to place this budget, this big bluff on us, I presume he would not have done so intentionally if he had the power to change items radically in the Budget. It is evident of course that he had tried to change some items. As regards Education and a part of the Medical expenditure we congratulate him for it but on one aspect particularly we cannot congratulate him and that aspect is the Stadium business. When such a big Civil Works budget has been presented which, considering the position of Bengal, *vis-a-vis* the Centre, will not be possible to execute on account of paucity of materials, he has given a very high priority to the construction of the Sport Stadium. Practically most of the materials, cement and iron particularly, that will be allotted to this province during the next financial year will be used up for this purpose (if he would choose to do so as he has stated in an open

press meeting that the Stadium will have the second priority after the buildings executed under the bustee schemes by the Improvement Trust in Calcutta). In these two projects I do not know how this bustee scheme will fare in view of the other preoccupations of the Calcutta Improvement Trust at the present moment. Regarding the building of houses by which I mean small buildings for the common people for whom this Government is so much interested and are trying to pass the Calcutta Rent Bill, I think no help will be given to these persons who have no homes at all. And not only that, those who are willing to rent out their places even at the standard rent or those who cannot get the tenants out (on account of the stringent measures of the Rent Control Order) even when they require the few more rooms occupied by the tenants for their own use, they even cannot get such building materials to build more accommodation. In spite of all this a big Civil Works budget has been presented to us amounting to several crores of rupees knowing full well that no part of this budget will be executed for the reasons stated by me. Why is this placed? Is it because the contractors will go round them and something else will happen from behind? It is much better to cut out this portion of the budget and bring out a really practical works project which this Government will be able to push through during the next year. We find, Sir, from the details given elsewhere that practically in every branch, say, Irrigation, Education, Medical, Agriculture, there are provisions for some sort of building work and that those buildings take up most of the money and yet none of these buildings will be completed or even attempted to be constructed during this year and therefore no Nation Building activities practically will take place within the coming year. Therefore, Sir, I call this big Civil Works budget a big bluff. I come now to other items, the first item I think, Sir, should be the Police. I would take up this item in this way that a very important declaration has been made, while we were proceeding with the discussion of this budget in this House and while practically all the criticisms have been offered in the other House, regarding a levy of taxation, a new form of taxation, on municipalities for the police force. Now, Sir, the Finance Minister is also the Minister of the Local Self-Government Department and hence I don't know whether he had also this up in his sleeves. If that is so, Sir, then I would say on behalf of the municipalities in Bengal or rather the municipalities which I represent at least (the areas around Calcutta) that these municipal Councils, if they are to be made to pay some sort of taxation for the police force, they should be entrusted with the appointment of such police force under their control as is done or as is even prevalent in the independent countries of the world and then these municipal bureaus or city fathers would have the sense of responsibility of preserving law and order and that would be done much better by them than is now being done by the present Government in power and the citizens also will take care that such a police force in their areas do actually preserve order or come to their help in preserving law and order and not be despicable police force not to be found in case of riots and other lawless activities. Besides that I would point out in this connection the appointments of non-Bengalees and that on a communal basis at that, to the police force of the Province. To communalise the police administration in a province is a very dangerous thing. I am not going to attack it on other points but only asking, Sir, as to why is it that in Bengal while the Chief Minister says in another part of the province we are going to have independence soon, why should we in Bengal be allowed to be policed by non-Bengalees? Is that not a disgrace that we cannot police ourselves with our own people of this Province? The Finance Minister at a certain place or rather at a conference of municipal chairmen of this Province harped on the theme of better relations between the municipalities and other local self-governing bodies and local Government and in this connection he tried to be humorous. He said that it is a

husband-wife relation; when the husband does not want to give money the wife, the wife has however to put the house in order anyhow and tl sentiment was voiced by some other members in a particular way whi I shall deal with later. But in this connection I would remind t Hon'ble Minister that the comparison of relation between husband a wife may be pretty sweet, but I want to remind him that when considers the position of this Province in relation to the Centre he shou also view it in the same light; we want to be united or remain unit with the Centre. Now, Sir, the Hon'ble Finance Minister wants to ha a divorce from the Centre; though keen on such divorce, he will cry the same time, even being the guilty party, to have continued alimo and why should he have it? He knows he would not have it, and hen the budget he has presented is not only not real but our discussions t are unreal in this House. You, Sir, as the custodian of this House when wanted an adjournment, the other day, asked us to take this budget matt seriously and asked us to refrain from adjournment, so that no other su ject should intervene but you found, Sir, though it may not perhaps l due to you or to the Government that many things intervened in the deba and by this time replies to some of the items criticised here have alread been offered by the Finance Minister at another place where the membe can practically control him by refusing grants, here we cannot. B surely we can suggest to him things which he should remember. In th connection I may mention one thing regarding the municipalities abou which a hint was thrown out by Mr. Morgan. It was a very mischievou hint and that is regarding the loan which was or is being considered b the Finance Minister to stabilise the Calcutta Corporation. In anoth place I already mentioned and have tried to point out to him that tl municipalities of Howrah and the Corporation of Calcutta are the tw adopted sons of the Government of Bengal and the other local bodies (Hon'ble Mr. MOHAMMED ALI: Or step-son?) Yes, that is exactly so, an the rest of the municipalities do not count at all. I hope, Sir, he wi change his attitude. As to whether they are adopted sons or step-sons am not going to clarify or amplify the subject; the Finance Ministe understands why I have stated it; my purpose is to prevent the bunglin of the Province's finance and this Government cannot be absolved fro such blame. I am not speaking of the Finance Minister's own bunglin of money but bungling of money by those Ministers whom the Financ Minister will allow to usurp finance and bungle and he has no hand in i

Sir, in the matter of supersession of a municipality only on account c financial consideration I think the Government should have a policy i future—I mean a standardised policy. The municipalities are bound b certain limitations of the Act to tax people but the expenditure side canno be limited in a particular way. Today all sorts of expenditure for carry ing on municipal activities have gone up 3 to 5 hundred per cent. at leas The Finance Minister is thinking of sending somebody to the Unite States of America at a cost of 8 to 10 thousands of rupees to find ou special means of taxation. I think he should keep in view the limite sources on which to fall back when dealing with the municipalities o the Province. But this is a very troublesome point. The municipalitie work under completely different system in the United States of Americ and in England. They have certain elastic sources of revenue whereas i the Bengal Municipal or Calcutta Corporation Act in this country we hav not got such sources. Our only duty is to fix a rate of taxation on 5 o 6 heads and charge the rate-payers a consolidated amount as taxes. Onl the rates are a bit elastic as we can only change the quantum and nothin else. But we cannot carry on any far-reaching changes, any work o improvement for which we can at least realise money and here when w wanted to bring up subjects for municipalisation of any essential servic which can bring profit to the municipalities to run, Government steps i and say that they want to nationalise. Let us take the case of moto

transport and transport by electric traction or the electric supply. All these affect the ratepayers of Calcutta Corporation and suburban municipalities most. In a resolution about three years ago I spoke on these in detail: I am briefly stating them now for the guidance of the future policy of Government. Under what circumstances these services should be nationalised. We do not know yet what is going to be the shape of our National Government in the Province. It would be better to run such essential services on co-operative profit share basis by means of which an owner or an occupier of a building or land, residing in a particular area or in the neighbourhood should be allowed to invest in a limited number of shares, say 5, 6 or 10, as was the case when the floating of the Reserve Bank took place, and by this manner the Electric Supply and the Transport Companies should be taken over. Thereby each person who is a consumer of electricity or those who use this transport will be benefited by any profit that may accrue to such services. That will also practically put a check in the matter of stoppages or strikes in any such concerns, because it will affect the pockets of each and every individual who is interested in the running of such transport or services. But as soon as you nationalise these things, it mean pakistanisation and it would immediately bring in all sorts of questions of party politics, jobbery and corruption in such services. We have already found out that the telephone corporation as soon as it was transferred from private company control to the Government we are deprived that efficient service which we were so long getting when it was managed by a private limited company. It has already become a scandalous affair. (The Hon'ble Mr. MOHAMMED ALI: That is not Pakistanising.) Yes, that may be and therefore you are already going in for Pakistanising the Broadcasting, don't you remember?

Now, coming to another subject which is also directly under the Finance Minister, namely, Public Health. Hereunder Medical Relief, find that most of the items of medical relief are about the erection of buildings and buildings. That means nothing will be done in the way of practical relief to the people. But in spite of our requests for the last few years and in spite of the requests even from the women members of this House nothing has been done uptil now or no provision has been made for providing training to more Indian women as nurses or lady health visitors. That means that you have completely neglected the women and children of Bengal. You have not tried even to open up a single maternity centre or children's clinic at Government cost. Even where these have been opened, the Government have not yet come forward with suitable contribution so that these may be improved. I wish, Sir, that the Finance Minister should say that instead of building this stadium, all these bricks, cement, etc., should go to each of the subdivisions in Bengal or at least to the 26 districts so that maternity homes and child welfare centres may be immediately built with these materials and suitable contributions made towards their efficient running. As regards the sending of experts to other foreign countries, which is one of their schemes, I would advise the Finance Minister to send a group of persons, young people, to study the modern methods of housing and rehabilitation after this war in order to improve the slums. These things you should do. You should also send persons to study modern methods of education, that is primary education. I think many who have been sent already have their set ideas and when they return they are appointed as professors. You should send people from non-official sources who could give you the schemes by studying these things at first hand. You would be able to give effect to those ideas which would be of immediate necessity to this Province.

Now, about the "Dove" incident. I referred last time in this House to this D. H. Dove aeroplane for which you set apart Rs. 2 lakhs for its delivery to Bengal Government and when I pointed out to the Hon'ble the

Chief Minister that the Dove cannot be delivered even within a year, l said that it was on the way. Now, instead of that Dove you are bein flown by other kites. Why don't you cancel this Dove and give th Flying Club, the only institution in Bengal which is carrying on th training of pilots in this Province at least for the next few years, annuall Rs. 50,000 which is ¼ of which you wanted to spend for one "Dove".

I now come to the other aspect of the budget, that is the Industrie Sir, fishing through the whole budget I have come to an aspect that of th provision of one lakh of rupees set apart for fish processing. I could nc understand what is meant by this, (and that is the only industry) th fishing business, that has been provided for in this budget and knowin how efficient this Government is, I mean how economically they run the own business, their boat-building business and also the Civil Supplie Department, I think this will be a sheer waste of money and the soone they leave this fishing business out the better. Last time I suggeste some other new sources of taxation, one was taxing the races. In Bom bay it has been done. I do not know why the Finance Minister here i so eager to exempt these races from the purview of taxation when he need so much money. He can easily get 25 to 50 lakhs of rupees every yea by the imposition of a fee on these races. (The Hon'ble Khan Bahadu MOHAMMED ALI: Sir, is it any good wasting the time of the House wit such irresponsible speech when the honourable member does not know wha the budget estimates are? He does not seem to know what we are gettin from these races.) I am coming to that. I know there is the Gamblin Act under which racing is taxed, but there is no such *ad hoc* licence fe levied on the Turf Club here to carry on racing as is payable and is pai by the Western India Turf Club in Bombay, some 25 lakhs. Taxing o gambling is one source of revenue. But why don't you levy a licence fe as is done in Bombay? That will get you another 25 to 50 lakhs. Perhaj the Finance Minister never read through the newspapers. (The Hon'b Khan Bahadur MOHAMMED ALI: We are getting more than Bombay does He is speaking of only gambling tax. We want more, 25 to 30 lakhs i the shape of licence fee, you will get this extra. Why don't yc do that? What stops you from trying it? (The Hon'ble M MOHAMMED ALI: What about Grey Hound Racing?) Yes, that is not ru now and as soon as it is run I shall ask you to tax it.

I think, Sir, generally I have done practically the items which I wante to speak on and I do not want to go into the details of the statistics whic have been very well brought out by Mr. Badrudduja in his yesterday speech and I think we cannot surpass him in that respect.

**The Hon'ble Mr. MOHAMMED ALI:** Mr. President, Sir, I a grateful to the members who participated in the budget debate for tl many valuable and constructive suggestions they have given. I mu confess at the outset that the debate in this House was of a very high ord and that the members participated in a very good and constructive spiri I wish I could say the same of the debate that took place elsewhere. was particularly impressed by the speech of Mr. Kamini Kumar Dutt His approach to our problems in this province was very realistic and ve rational. I shall deal with the points that he raised in his speech when come to it. I propose to take up all the points that were raised by tl various members who participated in the debate in the order in which the made their speeches. Sir, before I do that, I have got to make or observation regarding the very uncharitable remark of my frier Mr. Biren Roy. He said it was no use his participating in the debate this late stage because my reply was already prepared and that I wou not be able to adjust myself. He is wrong. This is not the first time th I have risen to reply to the debate. Last year when I presented the budg estimates for the year 1946-47 I replied to the debate on two successi days and if my friend Mr. Biren Roy's memory does not fail him, I a

sure he will realise that I did not give a written reply to the debate. I have with me of course some sheets of paper in which I have got points noted down by me of the issues that were raised by members and if Mr. Biren Roy's eyesight is good, and I hope it is good because he is an aviator, then he will see that the right hand column is blank. I have only noted down the points to be replied to from my own memory; of course when I shall have to deal with statistics I shall take recourse to figures which I have prepared but I have no set notes prepared either by myself or by the department. With these words I shall first of all deal with the points raised by Mr. Haridas Mazumdar. He says that lakhs and lakhs of rupees expenditure are being incurred under communal education, and he has also protested against the provision for the expansion and development of the Islamia College, and he calls that provision as communal provision. I am afraid that these points were raised in another place and I had to deal with them elsewhere but as those same points have also been raised here I will have to go over the same ground here too, but nevertheless I want to tell honourable members that Muslims are educationally backward though they form the major proportion of the population of the Province. A sound educational policy should reflect the actual proportion of the Province's population in the schools and colleges in the Province. It means that in a Province where Musalmans form 56 per cent. of the population the number of students in the schools and colleges should also be 56 per cent., but what is the actual position? In the schools and colleges we have barely 25 per cent. of Muslim students, and what is the reason? The reason is that Muslims are not in a position to spend money for the education of their children; they are economically backward and therefore as a natural corollary to this they are educationally backward. It is the duty of the State to make facilities available to the backward people so that the amenities provided by the State are available to all according to their own legitimate rights. That should be the policy which any Government should adopt. But unfortunately Muslims are backward, for reasons which are obviously known to honourable members and I do not want to cast aspersion on members either here or elsewhere. But I would like to trace the cause of this backwardness and it is this: the Mussalmans, a couple of hundred years ago, or even not as far back as that, were the ruling nation in the country; they were the rulers and for reasons which are historical facts their rule over the country suddenly was transferred to British hands. So practically the Muslims from a ruling nation were converted into a subject nation. It was a great change for them and they therefore could not adjust themselves to that change. There was a great deal of mental setback, setback in social position, setback in the economic position and setback so far as their mental equilibrium also was concerned, and they naturally resented the intruders, the conquerors and the rulers. They could not come forward to the ruling race for any kind of patronage or for loaves and fishes of office. That is why they began to fall back but it was not the same so far as the great Hindu community was concerned. I am not speaking in any sense casting any aspersion on that great community. With due and great respect to that community, I want to say that at that time they were a subject nation and they remained a subject nation. So far as they were concerned it was only a question of a change of masters; they were not so much mentally upset and they took the fullest possible advantage by co-operating with the conquerors and that is why they progressed ahead and the Muslims fell back. This is the reason why the Muslims are today very backward in this Province and that is the chief reason why Government should provide adequate facilities so that——

**Mr. HARIDAS MAJUMDAR:** What about Science College?

**The Hon'ble Mr. MOHAMMED ALI:** I will deal with all the points if Mr. Mazumdar holds himself in patience. The sound policy of the

Government is to see that equal facilities are available to everybody But, Sir, whereas in this Province the Muslims should have 56 per cent. of the seats in the educational institutions actually they have only 25 per cent. seats and that is why Government is only doing bare justice to the Muslims by making a special allotment of 10 lakhs of rupees for the creation of a Muslim Education Fund. I hope the honourable members will realise this position and will not grudge this small amount—rightfully it should have been more—for giving educational facilities to the community which is backward. Then, again I may remind the honourable members that this allotment has been made by Government on the strength of a Resolution adopted by this very House. This Resolution was brought by Mr. Nur Ahmed and it was accepted by this House some time ago. It urged that a special fund be created for Muslim education and if Government implements that resolution of this House it does not lie in the mouth of any honourable member of this House to question that grant. Mr. Majumdar spoke of the provision made for the expansion of the University College of Science. I feel that there is really a necessity for scientific research and investigation. But what good will scientific research do if there is so much mass illiteracy? The problem before the Province is mass illiteracy and we must try our very best to raise the standard of education of the people to provide literacy for every man and woman who inhabit this Province and before that is done the question of higher education does not arise. Primary education must have priority over higher education. First we shall try our best to make primary education available to all, then the question of higher education will come. I hope honourable members realise that primary education is essentially necessary for the growth and development of the Province and the question of secondary and higher education will come later. Of course, Sir, I am in sympathy with Mr. Mazumdar about scientific education. It is true that scientific education is also very necessary and that is why provision is being made by Government for the same. But what I want to tell him is that we must not ignore primary education and we must give it top priority. But before the question of allotment for primary education, we cannot think of spending huge sums of money for scientific or technical education. At the same time we agree that these heads should not be starved.

Sir, I now come to the boat construction policy. With regard to boat construction policy, Mr. Majumdar said that it is a scandal. Sir, I agree that this was a very scandalous thing and I am not holding any brief for the Government who executed that policy. Government was stampeded into that policy, they were driven into that policy, because perhaps Mr. Majumdar will remember that during 1941-42 the Government adopted a denial policy and requisitioned no less than 30,000 boats out of fear and panic that this Province would be overrun by the Japanese and that is why by requisitioning 30,000 boats the entire economy of the Province in the rural areas was disrupted, transport was disrupted and the economy was disrupted because there were a large number of fishermen who used to make their living out of these boats. The then Government not only spent over a crore of rupees in giving effect to the scheme of denial but they also destroyed most of these boats and they were sold as fuel.

So, when things improved Government felt the necessity of boats not only for the transport of foodgrains but for giving to people from whom the boat which was their only means of livelihood, had been requisitioned. (Mr. BIREN ROY: Why don't you want His Majesty's Government to pay for the boats?) This policy was adopted by a Government of which Mr. Haridas Majumdar was one of the main props and support and therefore I ask Mr. Majumdar whether it now lies in his mouth to say that. (Mr. HARIDAS MAZUMDAR: The next corrupt Government took advantage of that.) Now, Sir, this was the direct outcome of a policy adopted by a

Government and of a party to which Mr. Majumdar belongs. Mr. Majumdar has talked of Coalition Government and said that it was the need of the day. Now, Sir, this is a question of high policy and it is a subject on which I am not competent to speak but honourable members of this House know that the Chief Minister has given his ideas on the subject and certainly nobody can gainsay the fact that everybody will welcome a Coalition Government which should be formed on common terms without sacrificing the aims and objects of any political party of this country. But I want to say this that the members of the opposite side should not deal with the question of Bengal separately. Because you cannot blow hot and cold in the same breath. You cannot say that you want a united India and a divided Bengal. Now, Sir, the demand for the partition of Bengal has been put forward seriously. Everybody knows that in the year 1905-6 partition was an accomplished fact. (Mr. BIREN ROY: I was not born then.) Well, it does not matter whether Mr. Roy was born then or not. As he says he might have been in an embryonic stage. I too was not born then. However, the fact remains that there was vehement agitation against the partition and the partition was almost an absolutely accomplished fact. Therefore this demand that comes forward now means that there is a *volte face* somewhere. I will not enter into the controversy. Mr. Kamini Kumar Dutta has given a true perspective of this demand. He stated that this was a policy of despair. (Mr. LALIT CHANDRA DAS: Why this despair? Deal with communalism and you understand it.) He said that they did not want actual partition but it was a policy of despair. I shall deal with it afterwards. I will come to that subject later. So I leave it as it is for the present.

Then I come to Mr. Sanyal. He said that an Islamic Budget was presented when communal harmony was essential. I agree with him so far as the question of the essentiality of communal harmony is concerned. There is no doubt that we and that everybody want peace, tranquillity and communal harmony in the Province, because unless the Muslims and the Hindus in this Province live as brothers, unless they co-operate with one another, the prospects will be really dark and we cannot progress unless we live in amity and we work with one another for the common objective, namely, the amelioration of the condition of the people and the raising of the standard of the people living in this Province and the betterment of the Province as a whole. That is true. I would say that the Hindus and the Muslims are practically the two main wheels of the chariot of Bengal and if the chariot is to progress the two wheels must not only revolve in unison but they must also revolve in harmony. Unless that is so one will be a sort of a drag on the other. Neither the Muslims can progress nor the Hindus can achieve progress if there is no mutual trust, goodwill and co-operation. I would also say that, though we are in a majority in this Province, we cannot do so, as Mr. Kamini Kumar Dutta has very correctly put it, and we have no intention to dominate over the minorities. He has extended his hand of co-operation and we will grasp that hand of co-operation. We will not only grasp the hand of co-operation but we will beseech him for that co-operation. We have no intention to dominate over anybody. We only want that the goodwill of all people should be with us and we only want to improve the lot of the people and thereby we should improve and better the condition of this Province. That is our objective, Sir. (Mr. LALIT CHANDRA DAS: You have not replied to my point. Will you then yield to and admit that Joint Electorate is a necessity and must be conceded?) That is a very minor point. (Mr. LALIT CHANDRA DAS: That is the point; that is the whole thing.) That question will come up when the future constitutional machinery is being evolved later. I am not competent to discuss the future contitutional setup nor to speak on what should be the method for the various kinds of electorates. That is a matter which can be settled later if there is goodwill of the people and if the leader's sit round the table. Mr. Sanyal said that there was very little sprinkling

of funds to the Scheduled Castes for their education. We have granted this year an additional sum of 5 lakhs for the Scheduled Castes Fund. It was pointed out that the Scheduled Castes being more backward than the Muslims deserve greater support than the Muslims. I want to point out to this House that by making a provision of 10 lakhs for the Scheduled Castes which is equal to the provision made for the Muslims we have given them four times weightage, because if the honouarble members will look at their population in this Province it will show that the Scheduled Castes form ¼th of the population of Muslims. They are, to be exact, 24·2 per cent. of the Muslim population in this Province. Therefore by providing 10 lakhs for the Scheduled Castes we are actually providing four times the amount of that allotted *per capita* to the Muslims. The *per capita* allotment to them is four times that of the Muslims. (Mr. BIREN ROY: You speak of the 5 lakhs which was not spent in the year.) This whole amount is available for the Scheduled Castes education in the year 1947-48, namely, 10 lakhs of rupees. (Mr. BIREN ROY. Including 5 lakhs which was not spent.) No question of that. Five lakhs recurring and five lakhs non-recurring. Perhaps Mr. Biren Roy has been more busy in other matters than in the examination of the Budget Estimates. Mr. Sanyal has referred to the Brooklyn Ice Plant and he has made some adverse criticism but he does not realise that this ice plant has been taken over from the Disposals. It was an American plant and has been taken over for the purpose of helping the importing of fish into Calcutta. Because of the scarcity of ice the fish trade cannot thrive. Fish cannot be brought into Calcutta. This plant for the manufacture of ice will go a long way towards solving the acute shortage of ice for the purpose of keeping the fish in good condition for the consumers in Calcutta and elsewhere. So this provision is really productive scheme because it will not mean any loss to Government. It is a self-financing scheme and at the same time it supplies sufficient materials for the fishing trade. Government is not mercenary and has to look to the interests of the people.

Mr. Birendra Kishore Roy Chowdhuri has given us his good wishes and he hopes success will attend on our endeavours in our financial resettlement with the Government of India. I thank him for giving us his good wishes and I think that he realises the position that a great injustice has been done to Bengal under Niemeyer Award and the financial settlement with Bengal continues to be exploited by the centre. (Interruption) I know that great constitutional changes are impending and I know that Bengal's finances will be solved, I mean the difficulties regarding the financial stringency of Bengal will be solved, once Bengal is allowed to get all the revenues to which she is entitled. She will then be the richest Province in the country; she will have the largest revenue of over one hundred crores, more than most of the other provinces will be able to boast of. I maintain that Bengal is rich in mineral resources, rich in all kinds of possible ways, it has got two ports and the Province is the most fertile in the country and therefore Bengal will be the richest and most progressive country not only in India but in the East if once Bengal is able to break away from her shackles not only from England but also from the Centre. Mr. Roy Chowdhury has referred to the vital statistics for the year 1946 but I want to point out to him and to some members who have made criticisms regarding them and I want to say that when I said that the year 1946 was the healthiest year in Bengal I meant that the vital statistics show the death-rate under malaria and cholera and other diseases was the lowest in the Province. Not only on the basis of *per mille* figure but on the basis of total population also, because I have checked the figures and found that even after the unfortunate deaths of so many persons during the 1943 famine, the population of 1946 was not less than that of the year 1943, because the loss due to famine was counterbalanced by an increase in the birth rate, and the population was almost the same in 1946 as it was in 1943. Therefore when I quoted the figures I was not only

presenting an over-all picture but I was also presenting the ratio figures that is, *per mille*, and I will give the House some figures in this connection. We have got the recorded statistics since the year 1920 and I cannot go beyond that because there is no record prior to that date. I may say that in the year 1920 the ratio of *per mille* census of population that is the total number of deaths was 32·7 and 30·1. It came down in the year 1946 to 18, the lowest and the ratio *per mille* of population so far as malaria is concerned was 5·5 in 1946; from 15·8 it has come down to 5·5. Now, so far as cholera is concerned, from 1·2 the highest was 3·6 in 1943 and from 3·6 the lowest recorded in 1946 is ·5 only.

Now, Sir, so far as smallpox is concerned the highest was 2·3 in the year 1944. In the year 1944 the ratio *per mille* of census of population was 2·3 and last year it was only ·1. Not only that the general death rate was low in the year 1946 on the basis of not only overall census of population but also on the basis of *per mille* of population. So the honourable members will realise that Bengal had the healthiest year in 1946. By that I do not mean to say that the honourable members should run away with the idea that it is enough and more improvement is not necessary. Far from it, the position is still very bad and people are still dying of cholera, smallpox and other preventible diseases. There is no reason why this should not be prevented. Every ounce of our energy should be directed towards the eradication of these preventible diseases. I do not think that we should stop here thinking that we have done enough and now we can rest. That should not be our policy. Even this 1 *per mille* of persons that die of smallpox is itself very unfortunate. Smallpox has been eradicated from all other countries why then should it not be eradicated from our Province and we shall take all sorts of measures until it is put down to the zero point. So far as the Public Health grants are concerned honourable members will see that in the budget estimate we have provided for one lakh of rupees for Public Health campaign. We have done so because it is proposed to carry on a tearing and raging campaign throughout the length and breadth of this Province for educating people on public health, for educating the people to take vaccination and cholera inoculation and to educate the people to live a more hygienic life. These things are necessary. Unfortunately our people do not know many of the important conditions of good living and sanitary and hygienic living. So it is the duty of the Government to educate them in these matters and for that purpose in this year's budget we have made a provision for public health campaign which we should carry on throughout the length and breadth of the Province. But I think, Sir, that the grant of one lakh of rupees is inadequate and that it may be necessary for us to come up again for the augmentation of this provision. For the present we have made a sort of *ad hoc* allotment and I think no member of this House will grudge the expenditure made for educating the people in hygienic methods of living and of preventing diseases.

Sir, I have disposed of the question of one lakh which has been raised by Mr. Birendra Kumar Roy Chowdhury. He said that every good man should have his due. I entirely agree and from the trend of my reply it is apparent that we also want that every man, woman and child should have his or her due—that he should have a decent living and be a free citizen.

Now, I come to Mr. Nur Ahmed. He has raised certain constitutional points. He has said that this House has very little power with regard to financial matters. I do not want to enter into that controversy. I know how jealous this House has been over that position. I am here by mere sufference and so it is not proper for me to enter into a constitutinoal controversy over which this House has been agitating for some time past. Mr. Nur Ahmed was perfectly right when he said that the budget could have been balanced if grants under nation-building department could be

minimised. Now, Sir, it is very easy to balance a budget. If Government can ruthlessly cut down expenditure under the nation-building departments it can always balance a Budget. Mr. Biren Roy says why we do not cut down the Civil Supplies Department. I claim to know Mr. Biren Roy very well and I cannot imagine how he could of all persons say like that. Now, Sir, this department is there to meet an emergency—to supply food to the people. Of course, if we can cut down the expenditure under the Civil Supplies Department, we can thereby meet our deficit. Mr Hamidul Huq Chowdhury asked why we incurred so much loss in the transaction of foodstuffs. He has made some allegations and he is not present in the House. He said that he could not understand why this department could not be run on a commercial basis. I do not know what to say if a responsible member like him says this. I admit that if we run this department on a commercial basis there would be no loss. But, Sir, Government is not mercenary. The duty of the Government is to see that foodgrains are available at a cost which is within the means of the poor. Mr. Morgan also wanted to know why this loss on account of subsidized foodgrains. I may explain this fully. Government procure rice at Rs. 11-4 per maund and this rice is available to the consumers in Calcutta and elsewhere in the rationed areas at Rs. 16 a maund. It seems to the uninitiated from this that there is sufficient margin and therefore there should be no reason for the loss. Now, this is the naked price at which Government buy from the rural people. The following are the charges that the Government has to incur:—

| | Rs. | a. | p. |
|---|---|---|---|
| Grain ... ... ... | 11 | 4 | 8 |
| Gunny ... ... ... | 0 | 6 | 0 |
| Purchasing agent's commission ... | 0 | 3 | 0 |
| Handling commission ... ... | 0 | 3 | 0 |
| Transit including freight ... ... | 0 | 12 | 0 |
| Storing charge ... ... ... | 0 | 8 | 0 |
| Storage loss at 5 per cent. ... ... | 0 | 10 | 8 |
| Total ... | 13 | 15 | 4 |

This is the average cost to Government. At this rate Government sell to the wholesalers. Government do not sell direct to the consumers. There are private grain shops in Calcutta—(Mr. BIREN ROY: Will the Hon'ble Minister please state how in normal time when rice used to be sold at Rs. 4 or Rs. 5 per maund in the interior villages, the grocer could sell the same at a profit of only 8 annas per maund and still thrive on it?) I do not know what they were doing unless I have full facts on this from Mr. Biren Roy. (Mr. BIREN ROY: This fact is known to everbody—not to Biren Roy alone; every businessman knows it.) I do not know if Mr. Biren Roy had any interest in rice dealings but I must plead my ignorance. I had no experience in dealing in rice, but I have produced rice. I cannot say that I know nothing about rice; I am a grower and not a dealer in rice and I do not know about its transactions. So I say that this is the average cost to Government and Government sells it to wholesalers at less than the cost which Government have to incur and therefore you have raised the question of subsidy and in this cost to Government we do not take into account the establishment charges. Now if Government wanted to make the department a self-supporting one, Government would not only have to sell it at over the cost at which it is procured but Government will also have to debit to the cost of procurement the establishment charge of the whole department and directorates and if this were done rice will have to be sold at a much higher rate. Probably you know that rice is being sold at the level of Rs. 20 in several districts even now.

And now what happens? People are getting rice in rationed areas and in modified rationed areas at a price less than the cost price to the Government and less than that prevalent in the mofusil. (Mr. BIREN ROY: That is true.) So the question of subsidy is always there and that is why Government incurs loss on foodgrain transactions. Mr. Nur Ahmed commented that Primary Education is proposed to be introduced in only six districts of the Province and not in all the districts. That is true. The cost of introducing free and compulsory primary education in the entire province is colossal and Government have not sufficient funds to introduce it all at once throughout the whole Province. So it is to be introduced in some selected districts and graduaally the process of introduction will continue in other districts. So this cannot be introduced all at once everywhere. Mr. Nur Ahmed will realize the stupendous nature of this task and he cannot expect Government to introduce free and compulsory primary education in all the districts of the province in one year. (Mr. BIJOY SINGH NAHAR: What about the Education cess that you are realising?) That money is being realised by the District School Boards and that money is not sufficient. If the honourable member is aware of the working and administration of District School Boards he will realise that this education cess realised by the District School Boards is not at all sufficient to meet even now the cost of primary education, apart from the question of it being free and compulsory. If Government are to make primary education compulsory then sufficient institutions must be provided so that all the children of school-going age could be accommodated in these primary schools. It means setting up of a very great number of primary schools all over the district, where it is introduced. But even now the School Boards are not able to meet their establishment expenses, even for the lesser number of primary schools, from out of the funds which they get from the education cess and Government have to considerably augment the resources of the District School Boards and I am sure that Mr. Nahar—probably he does not know anything about the working of the School Boards—if he tries to find out the position he will be satisfied that Government have been making large subventions to the District School Boards to carry on the administration of primary education in the district. But as soon as the question of compulsory primary education comes in a large number of schools will have to be established throughout the whole district so that an adequate number of institutions will be ready to accommodate the increased number of pupils. (Mr. BIREN ROY: What are the districts selected?) I am afraid I cannot say it correctly and I do not think that the districts have been finally selected but as far as I know the principle is that there should be one district selected from each Division of this Province. Perhaps the criterion will be the district in which the education cess was introduced the earliest. I think that that is the principle; one district in each Division and that district where the cess was introduced the earliest. That is, the district where the School Board was set up the earliest will be taken into the scheme. I am sure the House will realise the reasonableness of the policy, namely, first come, first served.

Then, again, Mr. Nur Ahmed raised the question of prohibition. It is a ticklish question and a question which bristles with great difficulties. I am sure the House realises that there is a great feeling in favour of the introduction of prohibition even though the evil of drink is not so very great in this Province as in many other Provinces. Here so far as the actual Bengalees are concerned, they are not suffering from the drink habit so much; the evil is not so great so far as they are concerned. It is the foreign element in the population who take recourse to drinking and therefore though we agree that prohibition should be introduced we should consider the question of the evil which is prevalent in the industrial areas and introduce prohibition gradually and not all at once, and even we should very carefully watch its effect and repercussions.

Members of this House know that prohibition was introduced in America a long time ago and after introduction other evils unfortunately cropped up, namely, bootlegging, traffic in illicit liquor and there was also gangsterism, and other evils, so much so that they became such a nuisance that the Government of the United States had to resile from the position they had taken up and made the country wet again and America was no longer dry. Pussyfoot Johnson had agitated and spread such revolutionery ideas but they did not work when put into practice. Similarly, Afganistan became dry and paid the penalty. King Amanullah had gone abroad and came back to his country with a chockfull of ideas and he wanted to change the face of the country in one day by prohibiting drink and he had to pay the extreme penalty and lost his throne. Therefore what I say is this: no radical change should be effected unless the effects are carefully examined; the change must be gradual because as soon as prohibition is introduced many kinds of evil will come in all at once. People similarly say that racing should be abolished. As I said sometime ago in connection with the introduction of a proposal for increasing the tax on betting and amusements, the gambling instinct is inherent in human beings and if it is tried to be thwarted it will come out in a different form or shape. I do not want to bore the House with the doctrine of Freud but people who know human psychology will realise that if there is any kind of repression its reactions and repercussions exhibit themselves in an ugly fashion in human beings. So the effects of prohibition may be worse than the actual habit itself. Therefore this question of after-effects must be tackled very carefully and prohibition can only be introduced very gradually. We do not want to have a radical change. I agree that we should make an experiment with it and we have therefore done so. We have made an experiment in Bakarganj district—it was tried this year, as honourable members may know. Noakhali was also tried last year; it was tried once before but during the war prohibition was suspended but since we assumed office last year we made the district of Noakhali and certain areas contiguous to the district—I mean the district of Tippera or perhaps I am not probably very sure,—went dry. This year we have made the district of Bakarganj dry and have been watching the results, and if it succeeds we shall extend prohibition to other areas of the Province.

Sir, Mr. Nur Ahmed also raised the question of conversion of the medical schools in the province to colleges. I agree with him that we should improve the standard of the medical education. But I want to draw the attention of Mr. Nur Ahmed to one important point and that is that there are two different schools of thought with regard to this—one school of thought thinks that the standard of the medical education should be raised and I may say that Dr. K. S. Roy said some time ago in this House that we are having two kinds of doctors one for the rural areas and the other for urban areas. He enquired whether it was contemplated that for urban areas there would be better class of doctors and for rural areas there would be cheaper doctors—is the life of villagers cheaper than the life of men of the town? That question was raised by Dr. Roy last year and I dealt with it. I replied that that was not so. Certainly Government consider the life of every individual as sacred and the same. There is no difference. I have also said many times on the floor of this House and other House that this Government have a definitely rural bias. This Government feel that the same amenities should be provided both for rural and urban areas and towns. But sufficient justice has not been done to the rural areas and it is high time that Government should now direct its attention from urban to rural areas. Now, Sir, as to the question of upgrading the standard of medical education, as I have said, there are two schools of thought—one is that the standard of medical education should be raised and there should not be licentiates as at present who are not fully qualified, only half qualified, and therefore they are dangerous to society and human beings because little knowledge is dangerous, they have

not sufficient training and experience and they cannot deal with diseases. The second school of thought is that it is desirable to have better qualified doctors.. But this country is poor and the people living in the village are half-fed and half-clothed and open to death from starvation and from other diseases. So at the same time whatever rudimentary medical relief is possible should be given to them. Then most of the people in the mofussil cannot afford a longer education for being qualified as doctors. They cannot afford it. So there should be some medical schools in the mofussil which should be within the reach of the poor and the education should be cheap so that we may have a greater outturn of doctors. Now, Sir, thus the issues will be two, namely, whether quality should have the paramount consideration or the quantity should have the paramount consideration, because the members will realise that if you want to raise the quality the quantity will naturally go down. This was repeated in the Bhore Committee's recommendations, namely, that the country need a very large number of doctors to cope with the health problem of the rural area and our outturn will be slowed down and retarded if we go for higher education suddenly, to get the optimum number of doctors. Therefore Government feel that they should choose a *via media* course between the two. So Government are going forward with their schemes of medical schools and colleges gradually and propose to keep some medical schools for some time. Last year the Medical School of Dacca was converted into a college and we are going to have this year two extra medical colleges in Bengal. Then we will have the Campbell Medical School converted into a college. It was due to be done this year but we are not doing so. It will be converted into a college next year or the year after.

The question of the Chittagong Medical School and other medical schools will come in due course and I assure the House that Government is contemplating to convert these schools into colleges. We feel that there should be sufficient number of doctors and licentiates in the province with proper qualifications.

Mr. Nur Ahmed complained that most of the schemes were prepared during the 93-regime and wanted to know whether those schemes have been scrutinised or not. I can give this assurance that all these schemes have been very carefully scrutinised by the present Ministry and schemes which had to be modified have been modified and schemes which had to be altered have been altered and some schemes have been rejected as they were considered to be useless. Therefore he may remain content that this Ministry has not adopted schemes without scrutiny and examination.

Rai Bahadur Jogendra Nath Roy said that the Hon'ble Finance Minister had appeared in the role of a beggar. I do not want to dispute that statement. The Finance Minister has always to be a beggar as he has to depend for the revenues on the people of this Province. So far as this question is concerned, I fully agree. But when he says that I beg from the India Government, I join issue with him, I differ. I am not in the role of a beggar before the Government of India. Because we feel—(Mr. Amulyadhone Roy: We have a right.) Yes, we have a right to get it from the Government of India. They take large amount of taxes from this Province. Great injustice has been done to this Province in the allocation of finances by Sir Otto Niemeyer. We want a readjustment of those revenues. Sir, Bengal pays 67½ crores to the Centre as import duties from the Chittagong and Calcutta Ports, 2½ crores for jute duty of which only 1 crore it gets from the Centre. Last year it got 1 crore and this year the duty has been enhanced and therefore the Centre will get more from Bengal. I shall give you the figures.....Well, I cannot find them just now. However, I speak from memory. I think Centre realised 17 crores as income-tax last year from Bengal. Now, if Mr. Biren Roy totals these figures he will find that they will amount to 100 crores. I have left out revenues from the railways and post and telegraphs, stamps. So, as I was saying we are not actually beggars before the Government of

India. We are demanding our legitimate rights. I think the Rai Bahadur will correct himself. If he again says that we are beggars before the Government of India, I lodge my vehement protest against that remark.

As regards Mr. Mobarak Ali's complaint that this budget has done little to alleviate the distress of the cultivators I may say that we have a rural bias and if he would examine the budget estimates and scrutinise them he would find that much has been done to improve the condition of the people of this Province. We have several large irrigation projects, viz., Damodar project, the Mor project, Teesta Valley scheme, other irrigation schemes and other schemes for re-excavation of derelict tanks, khals, etc. We have also got schemes for improving the seeds of the agriculturists, namely, the seed multiplication farms and various other schemes enumerated in the budget estimates. All these have been drawn up and are calculated to do good to the people living in the rural areas.

Sir, now I come to Mr. Kamini Kumar Dutta's remarks. As I said before, his approach to the problem was very realistic and very rational and I hope that the spirit in which he offered his criticism was very laudable. I very much appreciate it and I am grateful to him for the very many noble sentiments that he expressed. I think if there were more leaders like him and if the view that he has taken is shared by other leaders of his party Bengal's trouble will be over. I say this in all sincerity that Bengal's trouble will be over if the views and sentiments expressed by Mr. Kamini Kumar Dutta are shared by other leaders of his party. He said that the Hindus and the Muslims, if they work in unison and co-operate with each other, we can do the greatest possible good to the Province. That is true. I have already stated previously what I felt about the position, namely, that Bengal cannot progress unless there is mutual trust and goodwill between the two major communities. (Mr. Biren Roy: Did any member on this side say that the Hindus and the Muslims should fight with each other? Why do you harp on the same point so much?) There have been members who have been saying many kinds of things which are not calculated to the promotion of communal harmony and goodwill. As I was saying before the interruption, that was the spirit, Sir, in which the debate was conducted on the floor of this House and I said also that I could not say the same thing of the debate which was conducted elsewhere. There were several blows aimed at me below the belt and if Mr. Biren Roy goes through the proceedings of that House he will realize why I am adverting to this theme over and over again; it is because, as I have said at the outset, I appreciate the spirit in which the members of this House participated in the budget discussions. Mr. Kamini Kumar Dutta said that this demand for the partition of Bengal is a demand born out of desperation and he says that Bengal should be united. I want in this connection also to refer to the remark of Mr. Biren Roy as he said that Bengal should be united to the Centre, which is true. Now, in Mr. Kamini Kumar Dutta's approach to the problem he was thinking of Bengal. Certainly we all want to think of Bengal first and foremost but Mr. Biren Roy was talking with his tongue in his cheek, I should say, because he sometimes talks as if his inclination is towards Bengal and then he talks in a manner as if he is owing allegiance to the Centre. But I want to make this clear that we want to be free, we do not want any domination, as far as we are concerned, either foreign domination or central domination. I think the Hindus and Muslims of this Province and the other minority communities will agree that we do not want to be dominated, we want to be absolutely free, we want to be free in this Province, we want to shake off the shackles of foreign bondage; we want to shake off completely and we do not want to be shackled either by the Centre or by any other foreign power. Therefore in that sense—— (Mr. Lalit Chandra Das: Then forget your two-nation theory and shed your communal outlook.) Many-nation theory. What is America? There are many nations living in America.

**Mr. PRESIDENT:** Mr. Das, the members have raised certain issues in their speeches and you have raised some in yours and the Hon'ble the Finance Minister has every right to reply to them and you should listen to him with patience.

**The Hon'ble Mr. MOHAMMED ALI:** What is America? Sir, I was asked a question as to how this two-nation theory would act in a united Bengal. My answer to that is how it acts in America which is inhabited by Englishmen, Italians, Germans and other people of other nationalities? How are they governed there—all these people of different nationalities? (Mr. BIREN ROY: But there is no separate electorate there.) Of course I do not want to go into questions of constitution. They have certainly now evolved a constitution which is satisfactory to all and by which or under which they can call themselves Americans, and forget other considerations. Therefore I see no reason why, with the spirit which motivated Mr. Kamini Kumar Dutt, we should not also have a united Bengal with a constitution satisfactory to all concerned, so that Mussalmans and Hindus will not feel that they are dominated by the other and therefore their cultural rights will be kept intact and all the communities will be able to participate in the governance of the province for the common good of all. I do not see why that is not possible in independent Bengal. (Mr. BIREN ROY: In America Jews can vote for Christians, will the conditions be same here?) I want to quote Mr. Dutta when he says that—Sir, I cannot but make one further quotation from Mr. Dutta's speech. He said, "the two communities in Bengal are intermixed and you cannot improve the lot of one community without doing some good to the other". He says a very salutary thing. Sir, in this connection I am reminded of another quotation and it is this: "Happiness is a perfume which you cannot pour on others without getting a few drops yourself". Therefore, when Mr. Dutta expressed those sentiments how very correct and right he was: you cannot do any good to any community without getting anything yourself.

Sir, the loss on boats amounting to several crores and the loss on subsidized food, I have already dealt with it. Again, Mr. Hamidul Huq Chowdhury, I wonder if he is here in this House, I do not know what was his actual feeling when he said that except for the Chief Minister all the other Ministers were really no better than head assistants in the Bengal Secretariat. He is not here, and so I do not want to reply to him. Sir, when I was a boy of 5 or 6 years of age, I used to read a lot of fairy tales, stories, interesting stories, and Aesops Fables was one of them. There was a story there which ended with the remark that "the grapes are sour".

His next question was the loss on food, and I have answered that question. He also wanted to know about the Kanchrapara Development scheme. He wanted to know what will be the set up and what we propose to do in the matter. Sir, Kanchrapara is being administered by the Local Self-Government Department; it is a vast piece of land that was occupied by the military; the Government of Bengal propose to take it up; a part of the land will be allocated to the Central Government for the construction of a locomotive workshop and another part for an Institute of Higher Technology which will be established by the Central Government. After that the remaining portion of the area will be utilised for Government's making allotment to certain industries so that the country's industrialisation may progress and also to make arrangements for housing in order to relieve the congestion in Calcutta.

**Mr. BIREN ROY:** Fourteen hundred or 14,000?

**The Hon'ble Mr. MOHAMMED ALI:** I do not know what the exact area is but it is a vast area. In a part of this area we have established our T. B. Hospital.

I now come to the points raised by Mr. Lalit Chandra Das. He said that the limit of taxation has been reached. Of course, Sir, this question has to be examined from all points of view. So far as incidence of taxation to the provincial exchequer is concerned the limit of taxation has not been reached, because a lot of money paid by the agriculturists is going to the coffers of the Government of India. But if we take the whole taxation of the Province, then no taxation is higher than any other Province. At present the incidence of taxation in Bengal is not much higher than the other Provinces in India because here we have a tenancy system which is quite different from the tenancy system of other Provinces. But if the entire amount paid by the agriculturists is taken into account or after the abolition of the zemindary system when the land is nationalised then it will be higher than any other Province. We hope that after the abolition of the zemindary system when the money is realised by the Government direct then not only the Government will be benefitted financially but then it will be possible for Mr. Lalit Chandra Das to say that the incidence of taxation is higher than any other Province; but at present it is not. Mr. Lalit Chandra Das has also referred to the Debt Settlement Act and said that the Debt Settlement Act and the Debt Settlement Board has ruined many Hindu middle-class families and that with the introduction of Bargah Act whatever remains will go. What I want to say with regard to this point is that this Debt Settlement Act has come into operation because the poor people have been exploited by the middle-class people. So it was the duty of Government to bring this Legislation so as to stop this exploitation of the rich against the poor people. It was with that end in view that this Act was brought into force and it has done sufficient good to the poor people of the Province. There is no gainsaying the fact that it is the duty of Government to prevent exploitation of the "have nots". It is the duty of Government to protect the people from oppression, harassment and exploitation.

I now come to the points raised by Mr. Ghyasuddin Pathan. He said that injustice has been done to the agriculturists in Bengal and that most of the Government schemes are for the benefit of Western Bengal people. Of course it is correct that we have got a very big scheme for the development of the Western Bengal, namely, the Damodar Valley Irrigation Project. But it is a self-financing scheme. We have also a similar scheme for the North Bengal, that is the Tista Valley Scheme. If that is materialised the people of North Bengal will have no grievance. Mr. Pathan also remarked that the Finance Minister has not been inspired by any sense of local patriotism and that he has not shown sufficient interest for North Bengal. That reminds me of a very nice story. One gentleman was addressing a meeting—a political meeting in England—and they wanted some sort of home-rule. Some body wanted home-rule for Ireland and others for Isle of Wight and one gentleman wanted home-rule for Hell. The man at once jumped up and said that is right. Let every man have home-rule for his own country. (Laughter.) Now, Sir, nobody can forget his own country. I come from Bogra. I have close affinity with that district and shall always think of giving the greatest benefit to my own district. It will be my natural inclination. At the same time it is my duty, being in the Government, to look to the whole Province. I have been put on trust by the representatives of the people. Therefore I should not have any bias for any particular district even it be my own district.

Now about the Dacca Medical College. This was started long ago. The Lake Medical College will come into existence this year. The Campbell Medical School will be made a college next year or the year after the next. Therefore it may be said that there will be two new Medical colleges in Calcutta and near about Calcutta. A suggestion has been made that the auxiliary hospitals should be made permanent. I entirely agree with it. They have done the greatest good to the people living in the rural areas. Hospitalisation of the rural areas has been one of our

schemes. Through these hospitals we have been able to provide more than 20,000 beds all over the Province. Now, we want to redistribute these beds on the basis of population. These hospitals were started at a time when there was food scarcity in the Province and they were started in the districts where the famine condition prevailed with the result that many districts were ignored. We want to redistribute these beds fairly, justly and equitably. Therefore we are to cut down the number of hospitals in the districts which have got more than their legitimate share. Government will now curtail the number of hospitals in particular areas. They will immediately take the Dacca and the Faridpur districts. Because there the hospitals are far in excess of the number to which they are entitled. By curtailment the Government will provide these hospitals in areas where there is none or where there are in smaller number than their legitimate share. These 20,000 beds cost Government 170 lakhs of rupees.

We do not know what the financial position will be after 5 years. So I cannot assure the House that these hospitals will be permanent but every effort will be made to keep them permanently during the five-year period. But for the present the scheme has the sanction for five years but I do not see any reason why these hospitals should not be made permanent beyond 5 years. Sir, the time is short and I think I have only 10 minutes more within which to finish my reply. I will now take up the points raised by Mr. Morgan. Many of the points raised by him have already been dealt with. One is the question of subsidising the foodgrains transactions. I have already dealt with it. He has then referred to the Muslim League and said that they should enter the Constituent Assembly. That is a matter of high policy and it is not for me to make any comments. He has said about the loss on Boat Construction Programme. I have already said something about it. Of course it is very unfortunate that this loss has been incurred but we want to cut down our loss. If I may take the House into confidence they will be amazed to hear a proposal which I had to face before the Budget Estimates were presented to the House. As Finance Minister all proposals from the different department come up to me. I received a proposal from the Civil Supplies Department and the proposal was that we should spend 79 lakhs of rupees on boat disposal and boat maintenance with the idea of recovering 50 lakhs. Just imagine the position. Just imagine the position of the financial implication of the prosal, that we should spend 79 lakhs of rupees to recover 50 lakhs. When this proposal came up to the Finance Department we scrutinised it; we were amazed, we were astounded beyond words to just imagine that a Government department suggests a proposal to spend 79 lakhs of rupees for the purpose of disposing of boats to recover 50 lakhs, an outright loss of 29 lakhs. We had a conference and in that conference I conveyed my decision that I shall not spend a single pice beyond the 31st March 1947 over the maintenance of boats or for their disposal. They should either be sold for the best possible prices offered, or sold as fuel or sunk in the river or given away gratis to the deserving poor, and nothing will be spent on them beyond the 31st March. This unpleasant chapter must be closed once and for all on the 31st March. That was the outline that I gave. But I want to tell you this thing that in the Budget Estimates (I am surprised that members have not commented on it) is shown some amount of expenditure for the maintenance of these boats which, however, will not be incurred, I may say. This item went into the budget before the different items were properly scrutinised and we did not feel like cutting it out and so let it remain as there was surplus. But I want to assure the House that the amount provided for maintenance, disposal and transport of these boats will not be spent. Mr. Nur Ahmed raised the question of advances to the agriculturists. He wanted to know what arrangements we have got for the recovery of those advances and what is our policy regarding granting of advances, I mean, loans to agriculturists. In this connection I want to say that of course the position of advancing loans was very

unsatisfactory and loans were made to agriculturists by certain Government officials in such a manner as to make it difficult for Government to realise the money. Therefore we are coming forward with an amendment of the Public Demands Recovery Act which will enable Government to recover these advances made to agriculturists under provisions of that Act. That will enable us to effect speedy recovery of the advances already made and to be made in future. That will put things on a more satisfactory footing and these bad assets if you call it, will be converted into good and more dependable assets.

And so far as the expenditure is concerned we have already appointed at high level an accounts officer in order to put the thing in proper order. (At this stage Mr. Hamidul Huq Chowdhury put some question to the honourable Finance Minister.) Sir, it does not lie in the mouth of Mr. Hamidul Huq Chowdhury to say anything. He had made some allegations and criticisms against the Government and was absent all along today and at this concluding stage of my speech he comes and tries to interrupt me and puts a question. I cannot reply to him at all.

The term of reference to this accounts officer is that he should examine the system of disbursement of relief expenditure, at the headquarters and also at the outlying stations and take necessary action with a view to ensure proper control and supervision to rectify irregularities and simplify procedure wherever possible. He should also arrange in consultation with the Accountant-General for a regular periodical audit of the relief expenditure both at headquarters and at the outlying stations, and he should also examine and dispose of all objections. He should also have access to relevant records and deal directly with distributing officers and their disbursements. He should also keep the Finance Department posted with the progress of settlement and of audit operations. This is the term under which this officer has been appointed and we propose to make further appointments so that the accounts branch will be expanded and they will go through the expenditure incurred in the past and put the accounts in proper shape and also keep a proper check on all future disbursements.

Now, Sir, Mr. Morgan wanted to know what was the position with regard to the loan to the agriculturists and cultivators. The position is as follows:—

Balance outstanding on 1st April, 1941—2 crores, 17 lakhs and 40 thousand.

Advances proposed to be made in 1946-47—1 crore, 25 lakhs.

Total—3 crores, 42 lakhs and 40 thousand.

Out of this deduct anticipated repayment—1 crore, 10 thousand.

Therefore estimated balance outstanding on 1st April, 1947—2 crores 42 lakhs, and 90 thousand.

The actual repayment during the last 3 years is as follows:—

1943-44 - 64 lakhs, 69 thousand.

1944-45—95 lakhs, 70 thousand.

1945-46—70 lakhs, 38 thousand.

In view of these repayments we need not at present fear that these are altogether bad assets, though a small portion of the loans will have to be ultimately written off.

Now I come to the road construction programme of Government to which reference has been made by Mr Morgan. I certainly agree that the policy of improving the road communications of the province should be given a high priority, because this will make available to the people living in the rural areas facilities for the purpose of despatch of foodgrains and other essential goods and when the marketing facilities will in this way

be available the condition of the people living in the outlying rural areas will improve and therefore it is the duty of Government certainly to give a high priority to road construction. Government did have a scheme giving priority but unfortunately last year the whole programme was upset and everything was disturbed because of the unsettled condition in Calcutta and elsewhere. These disturbances put our time-table out of gear and it is expected that Government will go ahead with its programme so far as the civil works department is concerned.

Mr. Biren Roy has pointed out that there are great difficulties in the way of finding the essential building materials, but Government is trying its best to procure essential materials for the purpose and sufficient steps are being taken.

Sir, the time is up and it is not possible for me to answer the various other points raised by the honourable members. But before I sit down I would like to say a few words in reply to Mr. Biren Roy about the Stadium. About the Stadium Mr. Roy has made some adverse remarks. Coming from a sportsman it is a great surprise. I do not know what is behind Mr. Roy's mind who once upon a time was a great sponsor of the greyhound racing. (Mr. Biren Roy: I was not a sponsor of the greyhound racing: your father was there.) It is wrong for him to say that Government has given second priority to Stadium. That, Sir, is a report which is being circulated and which has appeared in one of the leading daily papers which is responsible for it. Well, Sir, I give credit to the reporter of that newspaper who took it for granted that Stadium would be given second priority. He got that idea from a black-board in my room in which I keep a description of the progress of work——

**Mr. HAMIDUL HUQ CHOWDHURY:** What has Finance Minister got to do with Stadium?

**The Hon'ble Mr. MOHAMMED ALI:** I am also Minister in charge of Local Self-Government and Public Health. Now, Sir, as I was saying, in that black-board, the schemes are shown in various stages and there Stadium is shown as being the next item. The reporter took it for granted that it was the second item. It is correct only so far as Calcutta is concerned But the first problem is the problem of housing the people of the bustees They are living in a terrible condition and they are denied the amenities of Calcutta. So far as the construction of Stadium is concerned what is the harm if Government can construct it without spending a single pice from its coffer. We have no Stadium in Calcutta. We have a contractor firm which has an enclosed ground and is taking gate money and thus a large amount of money goes to swell the pocket of this private firm. What is the harm if this money goes to the coffer of the Government which will be utilised for the development of physical culture and the development of sporting activities in Calcutta and elsewhere. So if this great benefit comes without spending a single pice from the Government coffer and Bengal derives benefit from it why should anybody quarrel over it. I assure the House that the Stadium would be financed from loan and a sinking fund will be created in order to meet the interest charges and a large part of the proceeds will go to the interest charges. A part of it will also be used for helping the people to train good sportsmen and a part of the proceeds will be distributed throughout the Province for the encouragement of sporting activities by which the people living outside Calcutta will be greatly benefited. The proceeds will thus be used for this and other youth welfare movements. So this is a scheme which should be welcomed and appreciated by every one. But instead of that it is being opposed by Mr. Roy of all persons. He calls himself a sportsman. I am surprised and as I have said earlier, I do not know if he has something behind in his mind. Probably he is labouring under a grievance that he was not allowed by the Government to run his greyhound racing.

**Mr. BIREN ROY:** I was never in the Greyhound Racing Committee. I was the Chairman of the Municipality which opened it. The Finance Minister's father was the steward.

**The Hon'ble Mr. MOHAMMED ALI:** Now, Sir, before I sit down, I thank you for giving me enough time but even then I have been unable to do sufficient justice to all the points raised here. I also thank the honourable members for giving me a patient hearing. As regards Mr. Kamini Kumar Dutta's offer of co-operation, we are not only willing to grasp the hand of friendship which he so kindly extends to us, but we are willing to offer both our hands and I hope they will be grasped in the spirit in which they are offered.

**Mr. PRESIDENT:** The House stands adjourned till 1-45 p.m. tomorrow.

## Adjournment.

The Council then adjourned till 1-45 p.m. on Wednesday, the 19th March, 1947.

## Members absent.

The following members were absent from the meeting held on the 18th March, 1947:—

(1) Mr. Eric Dermot Doyne,
(2) The Hon'ble Mr. Abdul Gofran,
(3) Mr. Mahammad Azizul Haque,
(4) The Hon'ble Mr. Saiyed Muazzamuddin Hosain,
(5) Mr. Mungturam Jaipuria,
(6) Mr. Humayun Z. A. Kabir,
(7) Mr. Syed Abdul Majid,
(8) Mr. Nagendra Nath Mahalanobish,
(9) Mr. T. B. Nimmo,
(10) Dr. Kumud Sankar Ray,
(11) Haji Md. Yusuf,
(12) Mr. L. P. S. Bourne, and
(13) Mr. Reajuddin Bhuiya.

WBGP-4/9-1160A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947—No. 21.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 19th March 1947, at 1-45 p.m., being the 21st day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTION AND ANSWER

### Teesta Valley Barrage Project.

**72. Mr. C. MORGAN:** (a) With reference to the reply given by the Hon'ble Minister in charge of the Department of Irrigation and Waterways to my question No. 56 regarding the Teesta Valley Barrage Project, is the Hon'ble Minister aware that a statement was made by Rai Bahadur A. N. Khosla, Consulting Engineer to the Government of India for Waterways, Irrigation and Navigation, to a correspondent of a Calcutta daily in Simla on 14th July, 1946, in which the height and location of the Teesta Dam was given as 650 feet high and two miles downstream of the Teesta Bridge?

(b) If the reply is in the negative, why was his attention not drawn to these particulars by the Irrigation Department?

**MINISTER in charge of the DEPARTMENT of IRRIGATION and WATERWAYS (the Hon'ble Mr. TARAK NATH MUKHERJEA):** (a) Government are not aware of any statement made by Rai A. N. Khosla Bahadur, Consulting Engineer to the Government of India for Waterways, Irrigation and Navigation at Simla, to a correspondent of a Calcutta daily on 14th July, 1946, but in Rai Bahadur's note, dated the 11th December, 1945, on the Teesta Dam project he made a suggestion similar to that stated by the honourable member. Since then further investigation has been taken up in the locality. The height, location and number of dams will depend upon the results of the investigation. Government have under investigation the possibility of the construction of a dam at a site roughly 2 miles below Anderson Bridge. The present indications are not unfavourable for the selection of the site for the construction of a dam of approximately 500 feet in height but no final conclusion has been reached nor can such conclusion be reached until the results of geological exploration of the site become available.

(b) Does not arise.

**Mr. GEORGE MORGAN:** Supplementary question, Sir. Has the Hon'ble Minister got any information as to how long this geological investigation would take place, now that the forests on both sides of the river at that particular site have been cut down? Has he any information as to how long it would take to finish the geological investigation?

**The Hon'ble Mr. TARAK NATH MUKHERJEA:** Three months at the latest.

## The Bengal Acquisition of Waste Land Bill, 1947.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, with your permission beg to move that the Bengal Acquisition of Waste Land Bill, 1947, referred to a Select Committee consisting of—

(1) Mr. Syed Fazle Rabbi Chowdhury,
(2) Khan Bahadur Abdul Latif Chawdhury,
(3) Khan Bahadur Mukhlesur Rahman,
(4) Mr. Chowdhury Moazzem Hossein,
(5) Mr. Sultanuddin Ahmed,
(6) Mr. Amulyadhone Roy,
(7) Mr. G. Morgan, C.I.E.,
(8) Mr. Patiram Roy,
(9) Mr. Biren Roy,
10) Mr. Lalit Chandra Das, and
(11) the mover,

with instructions to submit their report by the 31st March, 1947, and tha the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, in moving this Bill I would like to explain why the Bill has been necessary. The object of the Bill is to set up a special machinery for acquiring waste lands so as to utilise them for purposes of—

(1) increasing the production of foodgrains, (2) afforestation, (3) irrigation, drainage or road development projects, and (4) setting up of model villages.

I should like to inform the House that Government have laid down a clear policy regarding the settlement of these lands and the manner in which they are to be brought under cultivation. Honourable members may be aware that a large number of persons of this Province have recently been discharged from military service. Many of them are without any means of livelihood. There is also a vast army of indigent cultivators, *bargadars* and landless agricultural labourers whose meagre income is scarcely sufficient to maintain their families on the barest scale of existence even for a part of the year. There being not enough land to go round, by far the largest number of agricultural population of this Province subsist on petty uneconomic holdings. Government owe an obligation to these different categories of people to provide them with means for a reasonable standard of life. It is therefore proposed to settle as many of these people as possible on the available waste lands of the Province after proper reclamation. In certain cases as the circumstances may justify, lands may also have to be settled with a number of persons or a corporate body so as to enable them to carry on large scale farming on a co-operative basis or otherwise, by the use of mechanical appliances. I should like to make it clear however that the underlying principles of these setttlements will be to encourage co-operation in farming without which, it is admitted on all hands no agricultural improvement of the country is possible.

As regards the paramount need of the province to increase its foodgrains I think, Sir, there can be no two opinions. It is now beyond all controversy that Bengal does not produce sufficient foodcrops to feed her teeming millions. Never before had this painful fact been brought home more poignantly than during the tragic events of the last famine. It is for these reasons that the Woodhead Commission emphasised the stern necessity of increasing the food production of the province by using all the resources of science and technology to bring under cultivation all available

lands. They recommended that land reclamation schemes in particular should be vigorously pushed forward. The present Bill seeks to implement this recommendation of the Commission.

Afforestation is another object of this measure which is perhaps no less important than the question of bringing more area under cultivation. It has now been well-established that owing to the progress of denudation of forests in West Bengal the process of erosion which impoverished the soil by washing away its valuable surface layer has been accelerated with the result that large tracts of land are becoming bare and almost unproductive. It is also the opinion of experts that destruction of forests is rendering West Bengal as a whole more and more liable to flood and drought. They therefore have emphasised that measures for preventing the evils of denudation should be taken without further delay. Government accordingly propose to take up afforestation of as much of the waste lands as may be considered necessary by the experts of the Department. Other purposes, as I have already mentioned, for which waste lands are proposed to be utilised, are only ancillary to the main purposes of increasing the yields of foodgrains of the province and creating better living conditions for the rural people.

The honourable members may be aware that a machinery was set up in 1944-45 for collecting reliable agricultural statistics of this Province so as to enable Government to mature schemes of development. The statistics so collected and compiled show that there are altogether 40 lakh acres of cultivable waste lands in the province of which 5½ lakh acres are in big blocks of 100 acres and these lands have been lying fallow and uncultivated for a variety of reasons such as want of embankment and irrigation facilities, infestation with deep-rooted weeds and jungles, depopulation of large tracts due to malaria and last but not the least, negligence of the owners or their incapacity to bear the cost of reclamation. It is proposed to acquire in the first instance about 4 lakh acres of the larger blocks of these lands which will be developed according to a definite programme. I may inform the House that my Department have worked out two schemes for the purpose—one covers an area of about 1¼ lakh acres to be completed in a period of 5 years. The lands after development will be settled with about 10,000 demobilised ex-servicemen who will be required to cultivate them on co-operative or collective farming system. A capital grant of Rs. 50 lakhs is expected from the Central Government for this scheme at *per capita* rate of Rs. 500. The whole of this amount will be spent for the benefit of ex-servicemen. The other scheme covers an area of 2¾ lakh acres to be completed in a period of 7 years. These lands after development will be settled mostly with the cultivators of the special classes as I have already mentioned. The undertaking of these two schemes, will be preceded by two pilot schemes—one in West Bengal and another in North Bengal.

I need hardly say that the nature and extent of development works to be undertaken in the different blocks will largely depend upon their present conditions but everything will be done according to a well-laid out plan with a view to establishing model hamlets or village sites or even entirely as villages if the blocks are big enough so that the settlers may not only be provided with the minimum resources to earn a livelihood by their own exertion but also enjoy all the necessary amenities of a village life.

Sir, so far as I have attempted to give a brief outline of the purposes for which waste lands are proposed to be acquired and to state the policy of Government in the matter of settlement of these lands. There remains however one point regarding the manner of cultivation of these lands on which I think I should make a clear statement in this House. It has been proved in many advanced countries of the world that small cultivators can achieve their own progress given opportunities, encouragement and initial

help by the State through a planned development of co-operative association and enterprise as a fundamental part of agricultural economy. Co-operative associations have not only secured material progress but also corresponding educational advance in self-reliance, responsibility and citizenship. It has been found to be one of the best instruments in the practice of economic democracy.

In this country however advantages of co-operation in farming have not yet been fully demonstrated. It is recognised that there are many impediments to the adoption of any kind of co-operation as the basis of a sound agricultural policy, the foremost of which is the existing outmoded system of land tenure. Government have accordingly decided to mend it by acquiring the interests of all rent-receivers so that Government as a sole landlord may be in a much better position to undertake effective measures for agricultural reconstruction of the country. Meanwhile, it is proposed to undertake a few pilot schemes of co-operative or collective farming in well-chosen areas, work them successfully and then convince the cultivators of the neighbouring villages of the economic benefits of the schemes. This will go a great way in overcoming the general dislike of the cultivators to any change in the existing system of individual cultivation. And the best field for such experiment and demonstration in co-operation will be the areas where new communities are settled for the first time. Accordingly, it is proposed to regulate settlement of the waste lands in such a manner as will encourage and ensure a co-operative system of cultivation—Government providing the necessary capital outlay on agricultural machinery or operational needs as also free service of expert staff not only for advice and direction but also for actual management of the farming business. Experiments will be made under two types of co-operative farming societies—one is the Co-operative Tenant Farming Society and the other the Co-operative Joint Farming Society. Under the former system Government will settle the lands with the society on certain terms and conditions and the latter will allot and lease out the lands to individual members as tenants stipulating payment of a fixed rent and such restriction regarding transfer of land and other matter as may be required under the terms of the lease. Each member will cultivate the land of his holding and be entitled to the produce thereof being subject to the society only so far as cultivation is to be carried out in accordance with a plan laid down by it. The society in its turn will supply credit, seed, manure and improped agricultural equipment which may be beyond the financial capacity of the individual member. I may inform the honourable members that one such experiment has already been made in this province in the Cox's Bazar Subdivision in the Chittagong Division and from all accounts it appears to have been a great success. The other type with which the Government intends to experiment is the Co-operative Joint Farming Society. Under this scheme settlement will be made with individuals but they will be required to pool their holdings together and to work on the entire farm so constituted under the direction of an elected committee of management. Each working member will get wages on "work-day" unit basis either in kind or cash as the Committee of Management may think fit. The crop will be raised and disposed of collectively and whatever would be left after meeting the charges on account of labour and management will be distributed as dividend to the members in proportion to their shares in the joint farming. I think, Sir, I need not take any more time of the House in supplying further details regarding the types of co-operative farming which Government propose to introduce. I need only say that these are the projects which are uppermost in the mind of Government. If they are attended with success, they will make easy the task of inducing the cultivators of other areas to adopt the principle of co-operation in farming on a voluntary basis.

As regards the Bill itself, I think the House may be expecting to know the reason why it has been considered necessary to provide for a

special machinery for acquisition of these lands instead of having recourse to the existing provisions of the Land Acquisition Act. In the Land Acquisition Act market value of lands is the only basis for determination of compensation and the main criterion for determining market value is the sale price of similar lands in the vicinity. There are no specific provisions in the Act or in the statutory rules regarding valuation of waste lands. As sales of such lands which have very little market value are rare, it becomes impossible in most cases to determine the market value of these lands under the provisions of the Land Acquisition Act. The result is that the question of determination of compensation is left to the discretion of the Land Acquisition Officer without any guidance from the Act or the statutory rules. Such a procedure cannot be considered suitable for large scale acquisition of waste lands as contemplated under the provisions of the present Bill. Accordingly, specific principles for determining compensation have been laid down for the guidance of the land acquiring authorities.

With these words, Sir, I beg to commend the motion for reference of the Bill to a Select Committee for acceptance of the House.

**Mr. PRESIDENT:** Order, Order, motion moved that the Bengal Acquisition of Waste Land Bill, 1947, be referred to a Select Committee consisting of—

(1) Mr. Syed Fazle Rabbi Chowdhury,
(2) Khan Bahadur Abdul Latif Chowdhury,
(3) Khan Bahadur Mukhlesur Rahman,
(4) Mr. Chowdhury, Moazzem Hossein,
(5) Mr. Sultanuddin Ahmed,
(6) Mr. Amulyadhone Roy,
(7) Mr. George Morgan, C.I.E.,
(8) Mr. Patiram Roy,
(9) Mr. Biren Roy,
(10) Mr. Lalit Chandra Das, and
(11) the mover,

with instructions to submit their report by the 31st March, 1947, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

**Mr. GEORGE MORGAN:** Sir, I rise to support the motion moved by Hon'ble Minister for reference of this Bill to a Select Committee.

**Mr. LALIT CHANDRA DAS:** There are amendments to the motion, Sir; there are my own amendments.

**Mr. PRESIDENT:** Mr. Morgan? There are amendments to the motion. The first amendment is the one to be moved by Mr. Lalit Chandra Das.

**Mr. LALIT CHANDRA DAS:** Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1947.

Sir, there is no great hurry for a Bill of the sort that is now before us. The Bill is for acquisition of waste lands in Bengal. So many years have been allowed to pass without their attention being attracted to this and without Government doing anything with respect to this. Some time more should be allowed to pass with respect to this without any danger of any loss on the part of the Government and in the meantime attempts should be made to gather public opinion bearing on a law like this. Sir, this Bill practically expropriates the landowners to a considerable extent

and therefore violates the provisions of the Government of India Act, particularly section 299. This is not the time for me to point out in what way this Bill offends against section 299 of the Government of India Act. I would do so when the appropriate time comes. To-day, Sir, my object is to point out why this Bill should be referred for the purpose of gathering public opinion thereon. This Bill, Sir, has, within it, the principle of nationalisation, I should say. Now the principle of nationalisation in demand is a good thing and also the nationalisation of lands. I was for long a supporter of this principle, of the principle of nationalisation of all the key industries in Bengal and I was not even opposed to the question of nationalisation of lands in Bengal provided of course it is really nationalisation, *i.e.*, nationalisation in the sense that I understand it. I would of course say that this Bill violates that principle of nationalisation which I mean. The very constitution of the Government in Bengal will show that, as a matter of fact, this is not nationalisation of the land as we may seem to think, in the sense in which we think. It is after all a communal Government and not a national Government. If it is a national Government, Sir, it can seriously take up the question of nationalisation, not only of all the key industries but also of all lands why waste lands alone. But if the composition of the Government is such that it views with disfavour communities other than which it represents. If it really favours the two-nation theory, application of this law will redound seriously to the discredit as well as to the injury of non-Mussalmans I would say and therefore the principle of nationalisation of land is really not truly applicable here although it aims at that. I will rather be more explicit. All that I was going to say is this: if you nationalise the zemindaries, all permanent interests in land and remove them and there is nobody to intervene between the Government and the actual tillers of the soil, and then after that if you take away the interests of the tillers of the soil and become the sole owners of the land and then redistribute the same and arrange for cultivation thereof according as you think fit remaining responsible for food and raiment of the people committed to your charge including their education, then it will be nationalisation. It will be equally nationalisation in this sense although they are merely waste lands throughout the whole province and as soon as you go to take them up, you are really nationalising the waste lands of Bengal. This is a law by which you are going to take power and possess these lands and therefore you actually nationalise those lands. But that would be real nationalisation when the Government would be truly national, and so long as the Government is not truly national or remains communal I say such nationalisation is merely Islamization and so it will redound only to the benefit of one particular community, namely, the Muslims, although apparently and generally speaking it would look like nationalisation. It will be however for the benefit of a particular community and therefore violates all principles of nationalisation. I therefore oppose the Bill also on this ground. There is also another ground which I shall place before the House which will go to show that it ought to receive the imprimatur of public opinion. Take for instance the reasons that the Hon'ble Minister has assigned for the purpose of acquiring the waste lands of Bengal. It is said, for example, that they will settle these lands with ex-servicemen: well and good. We have listened with great interest to the otherwise very good speech by the Hon'ble Mr. Fazlur Rahman bearing on this Bill. He told us in this connection that no less than 10,000 ex-servicemen will be settled on these waste lands. We are really apprehensive of this. What does he mean? With whom does he want to settle these lands? It is necessary that the people of Bengal should express an opinion on this point. Quite recently, in filling up certain posts in the Police Department, the Government imported a large number of Punjabi ex-soldiers and made them members of the armed constabulary in Calcutta; Sir, these ex-servicemen are

Punjabi, non-Muslims. Why should they get land in Bengal? Are you going to put such ex-servicemen—Muslims in possession of these waste lands in Bengal? If so, then in what way will the people of Bengal be benefited by this action? The ways of this Government have been in the past so dubious that it has aroused great suspicion in our minds. Sir, there is a Communal Ratio Rule regarding appointment and when Muslims are not found in Bengal, suitable to fill a post, then instead of drawing upon the non-Muslim community to fill it, they import men from the Punjab, from outside the Province, and give them the appointment. That is their attitude and it is this Government that is seeking to acquire all the waste lands of Bengal and to become the sole arbiter as to whom to settle these lands with. So I take it, that 10,000 ex-servicemen from outside the Province will be put in, who may be Punjabis and others; there is nothing in the Bill to show that the settlement of lands will be confined only to the Bengalees. Therefore I say that if Government really want to look to the interest of the people of Bengal, it is fair and proper that they should circulate this Bill for the opinion of the public. Then, Sir, there are other facts which have to be referred to. In sub-clause (*d*)(*i*) it is mentioned.... ....".....the operation of natural causes or circumstances such as disturbances of the public tranquillity". This may bring about beggary or poverty to people. To them it is intended that these men should be settled. This is to be found in sub-clause (*a*) of clause 4—"settlement of land with any person or persons..... on causes or circumstances, such as disturbances of the public tranquillity, over which they have no control.....". Now, Sir, what is the intention of Government in putting this clause? Will these lands be settled with those driven out of Noakhali or South Tippera because of the disturbances of the public tranquillity there or will they be settled with the Bihar refugees 150,000 of whom have been brought here in the Burdwan district and in some other parts of the West Bengal? What is the intention of the Government of Bengal? The expression is clear that the lands will be settled with those persons who have been out of employment owing to any causes such as disturbances of the public tranquillity. Will these lands acquired by the Government be actually settled, for example, with the Bihar refugees to the detriment of the interest of the people of Bengal? We know that several lakhs of people who live as *bargadars* and there are also several lakhs of landless labourers both Muslims and Hindus. The Government should have said whether these men will be given the priority. The interests of these people may come in conflict with the Bihar refugees. Can you trust a communal Government of this nature and give them power with regard to so much land in Bengal? When I raise the question of nationalisation it is for the purpose of benefiting the people of Bengal. Nationalisation of the land is very good but it should be done by a national Government. A communal Government cannot do it. So long as we have suspicion, so long as this Government continue to be a communal Government depending on the votes of a communal electorate, we should always remain suspicious that the real purpose of the Bill is different and that it will be applied mostly for the benefit of the people of a particular community. To this Bill, Sir, I lay my emphatic protest and therefore on this ground I say that before this Bill is sent to the Select Committee it should be circulated for eliciting public opinion so that the people may have their say, whether they like this Bill or whether they like this Bill to be dropped. Then, Sir, there are other things. For example, it is said that there is provision for model village sites with better agricultural facilities and sanitary arrangement so as to bring about an improvement in the standard of living of the cultivators. Well and good—this is a very good scheme no doubt when put in paper. But it depends on how it is applied. What sort of model village sites should be created in these waste lands? Did the Government attempt to construct any such village in *khas mahal* lands?

Sir, the same question arises from whichever side you examine the provision of a model co-operative system of farming. Therefore, I should say that so long as the constitution of the Government is not changed, good intentions of the Bill may be diverted and used for bad purposes against the interests of a particular community. I will draw the attention of the House to another thing. It has been stated in the Statement of Objects and Reasons "Large areas of cultivable waste lands in the Province have been lying fallow for a variety of reasons, such as want of irrigation, drainage and embankment facilities." I would like to know whose duty was it to see that there was irrigation, proper drainage, proper embankment facilities. Certainly, it was the duty of Government. But Government did not carry out those duties. Owing to the default of the Government there are fallow lands. The Government did not discharge their duties properly and as a result of that there are many cultivable waste lands and now Government want to acquire them. Why do you not ask the owners to cultivate these lands to increase production of food in Bengal by helping them with money and by giving them various other facilities including facilities in irrigation, drainage and embankment? You will err in your duty and take advantage of your own laches and now seize this occasion for the purpose of acquisitioning the waste lands. Now, Sir, I would draw the attention of the House to certain clauses of the Bill. Everything has been left to the arbitrary action of the Collector. So far as the acquisition of land is concerned, there is already a law, namely, the Land Acquisition Act, 1894. Why instead of taking advantage of the provisions of that Act Government should take power for the purpose of acquiring all the waste lands of Bengal? The fact that they have not done that proves that they have some ulterior motive behind all these. If their intention was good they could experiment by acquiring some waste lands under the Land Acquisition Act of 1894 and after doing some good work they could have come forward to this House and say that they have done this and that they want more lands to turn the lands into a beautiful paradise of modern world. Nothing of the sort. They could help the cultivators with modern machines and other things. No, they want to impose upon the public their sweet will, they advance certain arguments only to impose their will on the public.

We cannot believe, Sir, that the Government, taking power under this Act to acquire all the waste lands of Bengal, will at once go into starting a number of model village sites throughout Bengal or a number of co-operative societies for bringing under mechanised cultivation all these waste lands. The first thing they should do would be for them to take advantage of the provisions of the Land Acquisition Act and acquire as much land as they would require for the purpose of starting model farms as well as for the co-operative system of farming and then prove by actual facts that their attempts have been successful. Not having done that, to come at once to acquire all the waste lands of Bengal would go to show that there are ulterior motives behind their back. The objects and reasons have been put in only to make the reasons for acquiring the waste lands of Bengal very attractive. That is all, Sir. Not that they require all these waste lands all at once for this purpose. Then, Sir, you will see what they intend to do with respect to acquiring these waste lands. They want to finish the whole business with the Collector, and the Collector, Sir, after making a short enquiry is only to report to the Provincial Government and the Provincial Government, Sir, will surely be satisfied with the report of the Collector and the whole thing is finished in this way; there is thus the acquisition of waste lands and their people can go at once and enter into them. Now, Sir, that is how they are arranging this. Now look at the already existing provisions in the Land Acquisition Act. There are provisions in the Land Acquisition Act for appeal against the arbitrary acts of the Collector and those provisions are now going to be given the goby and, Sir, all that has been provided in the

Bill in the matter of appeal is in section 17 and under this section also the Provincial Government has taken all the powers. They will say which body will be the appellate court. The section reads—

"Any person aggrieved by the award of the Collector may, in the manner prescribed, prefer an appeal, within six weeks of the date of such award, to the prescribed authority, whose decision thereon shall be final."

Now, Sir, that authority will be prescribed by Rules under the Act. Why? This is an important point where public opinion should be taken whether they are satisfied with a provision like this leaving it to the sweet will of the Government to prescribe the appellate authority later on, as they please, by promulgation of their Rules. In the Land Acquisition Act we know who is the primary authority for the purpose of acquiring a land. We also know where to go after the Collector finishes an enquiry and gives an award. There are clear indications in that Act, Sir, as to the method to be adopted. But, Sir, here the whole thing is to be left to the Provincial Government and the Provincial Government may do whatever it likes. That is a matter, Sir, on which the public should be called upon to express their opinion.

Now the most objectionable of all the sections, Sir, is the provisions laid down in section 13 "Principles of determining Compensation". The principles laid down, Sir, are, I should say, so outrageous. Justice loudly calls for referring the Bill to the judgment of the public. Under section 13, Sir, arrangement has been made by Government to acquire lakhs and lakhs of acres of lands in Bengal lying fallow, for a mere song I should say. The provision laid down is this:

"In determining the amount of compensation the Collector shall be guided by the following provisions, namely:—in the case where the land was recorded as waste land under the denomination of Puratan or Nutan Patit in the record-of-rights prepared during the first District Survey and Settlement Operations and finally published under Chapter X of the Bengal Tenancy Act, 1885, and has remained uncultivated up to the time of publication of the notification under sub-section (*1*) of section 3, the immediate owner of the land shall get compensation at the rate of five rupees per acre".

I desire to know whether there is any old man is Bengal who has ever heard that an acre of land can be had on Rs. 5 only even though they be waste. In the past waste lands have been taken over by newly floated companies, lands whereon there never grew any crops at any time, and we know, as a matter of fact, that, for these waste lands also, the newly floated companies had to pay a very very heavy price, but to purchase lands at this rate even though they are waste at rupees five per acre is simply astounding. This, I should say, is really expropriation of the real owners of the lands, the landlords, taking away all these lands for a mere song. This is a clear violation I should say, of the intents and purposes of section 299 of the Government of India Act, 1935. And not only that, Government not only propose to purchase land for Rs. 5 per acre; they have also made provision that if the land does not fetch any income, for acquiring those lands also a principle has been laid down for fixation of compensation and the rate is that the compensation shall be equivalent to five times the annual income to be determined in the manner prescribed, but if the land fetches an income then ten times the annual *raiyati* rent for an equal area of cultivated land in the neighbourhood. Suppose, Sir, the rental of a bigha of land is one rupee and eight annas in the neighbourhood, which is really under cultivation; now three times that would be rupees four and annas eight, and 5 times that figure is Rs. 22-8. Sir, with Rs. 22-8 they are purchasing one acre of land! This is proposed in sub-clause 2(*a*) of clause 13, and that is absolutely outrageous, and

violates all canons of justice and fairplay. Even when the land has an income, the utmost that the Government are willing to give for the purpose of compensation, the compensation would be equivalent to ten times of the net annual income to be determined in the manner prescribed or ten times the annual *raiyati* rent for an equal area of cultivated land in the neighbourhood which the Collector may select. That is to say, when a land even though for the time being lying waste actually gives an income, to purchase such land at Rs. 45 (Rs. 15 per *kani*) per acre is simply astounding. Such are the outrageous provisions of the Bill. There is absolutely no urgency for the bill to be rushed through the House. These provisions should be laid before the public and their opinion obtained. These provisions constitute really expropriation of the owners of the land considering the compensation that is proposed to be paid for them. Sir, they are really afraid of using the machinery of the Land Acquisition Act, 1894, and instead of actually following the provisions of that Act, they want to acquire the huge quantities of waste lands in Bengal at mere song. They have become quite arbitary and have been violating section 299 of the Government of India Act.

Sir, what is the average price at which rice is being sold per maund at present in Bengal. The price is now ranging between Rs. 20 to Rs. 30. Sir, this has been the state of affairs since the war began, and the value of land has gone up considerably in the mofussil. It is difficult to get a bigha of land for less than Rs. 600 to Rs. 1,000 in the mofussil.

This is a state of affairs in all parts of the country. The Government according to the provisions of this law will be able to acquire land lying fallow from owners at a mere song. Whoever ever heard that, waste or no waste, an acre of land, which is equal to 3 *kanis*, can be purchased at Rs. 5? But here, Sir, a hard and fast rule is laid down—a principle is laid down, beyond which the Collector cannot go and will not go. We know that under the Land Acquisition Act the Collector awards a very low price for land acquired and then that becomes the subject of an appeal to the District Judge and we know that when it goes before the District Judge they really get the proper value of the land. In opening the case of Government Mr. Fazlur Rahman stated that one of the real purpose of the Bill is not to take advantage of the provisions of the Land Acquisition Act, the reason being that the market value there laid down is so high that it is not possible to make it the basis to determine the value of the land to be acquired. You became afraid to pay the market value provided under the Land Acquisition Act because you want lakhs and lakhs of acres of land of waste land in Bengal at a mere song. You are laying down a principle which is outrageous and devoid of all sense of justice and fairplay. Therefore it should be circulated for eliciting public opinion.

Then, Sir, the leader of the European Group Mr. Morgan and his group are giving all sorts of support to this sort of legislation. They know where the shoe pinches. But we inhabitants of the province of Bengal are really affected and Mr. Morgan having no interest started with the word "I support". We, Sir, who are vitally affected, are of the opinion that it is a matter which should go for eliciting public opinion thereon. There is no hurry, heaven will not fall if there is a delay of one or two months for getting public opinion. You have majority in the Legislature, you can carry it at any time in any way you like. But what is the harm in circulating it to see that the public have got to say regarding this Bill and after hearing what they say you may do what you like. This is a Bill which ought to receive consideration of the public. With these words I commend my motion to the acceptance of the House.

**Mr. PRESIDENT:** Amendment moved that the Bengal Acquisition of Waste Land Bill, 1947, be circulated for the purpose of eliciting public opinion thereon by the 30th June 1947.

Mr. Morgan do you want to speak at this stage?

**Mr. C. MORGAN:** I want to speak on the main motion.

**Mr. PRESIDENT:** Then you should wait till the third reading or when the amendments are disposed of.

**Mr. C. MORGAN:** All right, Sir.

**Mr. CHARU CHANDRA SANYAL:** Sir, I support the amendment moved by Mr. Lalit Chandra Das. A Bill of like nature was published in the *Calcutta Gazette* on 30th January, 1947. The present Bill published on the 11th March is certainly an improvement over the old one. In the definition of waste land the meaning of crop has not been made clear whether thatch bamboo or shrubs for fuel or grass for fodder should be included in the definition of crop.

The "period" of keeping fallow has been kept vague. This should be cut and dried. As for instance a sentence like that the land has been kept fallow say from the year 1938 or 1940, would have been more welcome and intelligible. There is no special mention of lands in urban areas. Do you come under the purview of this Bill? The word "any land" covers a wide field. A minimum piece of land say 100 acres should have been defined as "any land". It is still unknown what would be the position of embankments or protective works which are non-crop bearing but are required for cultivation work in places where inundations are common. The fate of mela or grazing grounds hangs in the balance. The Bill as such seems to have been hurriedly drafted and requires considerable changes.

A complicated legal question may crop up in matters of acquisition of permanently settled land by passing this Bill into law, whether this will supersede the contract of the Government with the zemindars of Bengal.

The tenants of *khas mahal* lands of which the Government are the direct proprietors have not yet been favoured with any act contemplated in this Bill although the Government as zemindars were pleased to enjoy the rents of about one crore of rupees per year for about a century. The Government of Bengal received revenue from the permanently-settled areas of Bengal to the tune of nearly two crores and a half per year for more than a century and a half. Can the Government of Bengal cite instances where they have undertaken free of charge for the benefit of the much maligned zemindars or much talked of cultivators any scheme of development of culturable waste land in Bengal in consideration of the huge sum the Government enjoyed for so many years. The tenants by their efforts improved the lands and the zemindar Government kindly had the lands surveyed after a fixed period and increased the rent. So the people have become very suspicious about the movements of the Government. The first duty then is to do some acts to bring back the confidence. It is therefore proper for the Government to translate into action some of the salutary measures contemplated in this Bill at first in the *khas mahal* areas. At least let the Government set up one ideal village where the people can enjoy the amenities of the town and one model agricultural farm with modern mechanised method of cultivation and develop one piece of land by irrigation or drainage. This experiment is not at all costly. Then a Bill of this nature may not take even a week to pass through the Legislature.

During the last Great War No. 2 large tracts of forest land belonging to the Government and also to private persons have been deforested to meet war emergencies.

There is a "Private Forest Act" to deal with private forests. It is now for the Government to take up afforestation business in the clear felled areas of the Government forests of Darjeeling, Jalpaiguri and

Chittagong. There is a little bit of afforestation work in all these places but the work must be speeded up considerably. Mr. T. M. Coffey, Chief Conservator of Forests, said in the Rotary Club that only 9 per cent. of the surface land in Bengal is "forest" as against 14 per cent. in the whole of India and 26 per cent. in England. If it is so may I ask what the Government of Bengal did for so many years to increase the area of forests in Bengal? Why this question is raised so late? Is there any other motive underlying this when the Minister states that waste land should be converted into forests. Acquisition of culturable waste land for afforestation purpose seems out of place at the present moment. This should be reserved for food crops and portions of unculturable wastes may be developed for the purpose. The purpose of afforestation has not been stated in the Bill. But I presume that it is for the supply of fuel which is in great want now-a-days and also for the regulation of rainfall. Quickest growing fuel plants take at least fifteen years to be ready for falling. Timber plants require at least half a century to be ripe. Forcing up fuel wood by coppicing or pollarding cannot be done at all places and this also takes about ten years in very fertile lands. Afforestation for the increase of rainfall should be done with caution after due flood control machinery has been set up. The account of annual rainfall, inundations in the last 20 years district by district may serve as a guide. The Minister in charge has informed us of Co-operative Agriculture in Cox's Bazar. If I am right I am very glad to hear that something fostered by the Government has succeeded which is probably a singular instance and he also speaks of capitalism in agriculture. Quite so. This should be encouraged as far as possible to have mechanised cultivation. Why not then start joint-stock companies subsidised by the Government where the cultivators will be wage earners as envisaged by the Minister in charge. Of course that looks from the side of other people preposterous but for the development of waste land and for the development of non-cultivated land, capitalism is certainly necessary at least for the time being.

Lastly, the Bill being very controversial in nature should be circulated for public opinion. A Select Committee formed after the public opinion is received would be in a more advantageous position to discuss over the Bill and make necessary alterations. This procedure has been adopted in the past in many provinces to save much loss of time in getting acts through the legislative bodies.

I therefore commend the motion for the acceptance of the House.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I was surprised by the opposition that has been given by Mr. Das and Mr. Sanyal to the motion for reference of the Bill to a Select Committee—a Bill which is of great benefit to the country. I was astounded to find that a Bill which is intended to benefit the whole of this Province and a Bill which is intended to inaugurate a revolutionary experiment in agriculture, that Bill should be opposed by the Congress party in this House. On the contrary I had thought that Mr. Das would be the first person to congratulate the Government for bringing a measure of this nature. (Mr. LALIT CHANDRA DAS: If it was a national Government, certainly, we should not have opposed.) Sir, if I am to accept that contention of Mr. Das, then it cannot take up any beneficial measures for the country which in their opinion should be stopped because the Government bringing forward such legislation is of a communal character. If that is his proposition, then no legislation which is intended to benefit the country can be brought before this House for it would then be contended by the same opposition that this Government is bringing forward this beneficial measure or that but it has not made any improvement in agriculture, nor has it done anything to raise the standard of the masses, but when the Government do bring measures for that particular purpose they will come and say the intention of Government must be very bad, otherwise why should they want to bring

a measure like that, the Government being communal Government? Sir, I cannot really follow the logic of this argument of the opposition.

Now, Sir, this is with regard to the question of sentiment, but coming to the question of merits that Mr. Das has raised in the course of his speech I find that he has not been really able to make out a case for circulation of the Bill for public opinion. He has said with regard to the question of settling the waste lands with 10,000 ex-servicemen that they will be all Punjabis or other than Punjabis but not Bengalees. Sir, I may assure my friend and the House that all these ex-servicemen will be in practice Bengalees, and not Punjabis or persons belonging to any other Province. He has also referred to one clause in the Bill and remarked that these lands will be settled with persons displaced by circumstances over which they had no control. This has raised an apprehension in his mind and he says why it should not be provided in the Bill itself to the effect that these settlements should be confined to Bengalees alone. Sir, may I refer my freind to section 298 of the Government of India Act, 1935, which says:—

"No subject of His Majesty domiciled in India shall on grounds only of religion, place of birth, descent, colour or any of them be ineligible for office under the Crown in India or be prohibited on any such grounds from acquiring, trade, business or profession in British India——" (Mr. LALIT CHANDRA DAS: Well, we know that very well.) Sir, this accounts for the absence of any such provision in the Bill. Then he said that Government should first experiment with other lands on co-operative method of farming—collective method of farming—and should be convinced that Government is in earnest——.

**Mr. LALIT CHANDRA DAS:** One question, Sir, my freind was clear on one point, namely, about the settlement of land with the ex-servicemen he said that these men will be all Bengalees. Now, Sir, with regard to other lands will the Hon'ble Minister give us an assurance that these lands will be settled with no other than Bengalees. Will he please make it clear that these lands will be settled with Bengalees and no other people?

**The Hon'ble Mr. FAZLUR RAHMAN:** I cannot give that assurance, Sir, I cannot give that assurance because the population of Bengal do not consist of Bengalees only. There are people of other provinces domiciled in Bengal and they have equal claim with the Bengalees. But about ex-servicemen I can say that they will entirely be Bengalees.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister give us a definition of domiciled—whether 10 years, 8 years or 6 years stay will make domiciled?

**The Hon'ble Mr. FAZLUR RAHMAN:** Well, that depends upon the circumstances. Mr. Das as well as Mr. Sanyal referred to the Bihar refugees. Now, with regard to these refugees it is the responsibility of the Government of Bengal to look after them, it is an act of humanitarian that they have been given shelter and in course of time if for one reason or other they become the responsibility of Government, in that case no discrimination will be made between the Bihar refugees and Bengalees who want to settle here.

**Mr. LALIT CHANDRA DAS:** Now we know why you want this Bill for——

**The Hon'ble Mr. FAZLUR RAHMAN:** I made it clear that when they become the responsibility of the Government then this matter will be considered; but till then the question of Bihar refugees does not arise.

**Mr. LALIT CHANDRA DAS:** We have understood you.

**The Hon'ble Mr. FAZLUR RAHMAN:** With regard to the question of co-operative and collective farming, I do not quite understand what my friends opposite want. I cannot really follow the argument of Mr. Das and Mr. Sanyal that Government have not done this and Government have not done that, or will they do this or will they do that, or Government should do this or should not do that with the waste lands. Arguments of this nature do not help. We are acquiring these lands exclusively for use of certain men who will be in a better position to experiment on co-operative and collective farming. Today we are doing this on the land of peasantry or debtor-holders or on the land of the zemindars, and if they do not co-operate then it is not possible for Government to make the experiment. Government is at present doing this on a limited scale and as I have already said, we have experimented it in Cox's Bazar where we have succeeded to a great extent. Mr. Sanyal said that why we were not administering the Private Forest Act. He knows that in West Bengal the lands are practically becoming desert by erosion. If the evil effect of erosion is to be successfully checked it can only be done through acquisition of wastelands and planting forests on those lands.

With regard to the question of compensation, I think the House will agree with me if it reads section 13. Section 13(*i*) says: "In the case where the land was recorded as waste land under the denomination of *Puratan* or *Nutan Patit* in the record-of-rights prepared during the first District Survey and Settlement Operations and finally published under Chapter X of the Bengal Tenancy Act, 1885, and has remained uncultivated up to the time of publication of the notification under sub-section (*1*) of section 3, the immediate owner of the land shall get compensation at the rate of five rupees per acre".

These lands remained *patit* at the time of the first Survey and Settlement, in some cases 20 years ago and in certain other cases 30 to 35 years ago. The owners do not derive any income from the lands. The members opposite are protesting against the payment of Rs.5 per acre but do they not know that the Congress Government in United Provinces are paying Rs.4 per acre. (Mr. LALIT CHANDRA DAS: I do not know.) When I say that, I say from facts. (Mr. LALIT CHANDRA DAS: Well, that is a National Government.) That is also a communal Government in the sense you call this Government a communal Government. Now, Sir, the Floud Commission has recommended that in the case of acquiring proprietory rights the rate will be 10 times the income. In accordance with that we have also provided that the rate should not be more than 10 times the income. Under the Land Acquisition Act I cannot compute any compensation for these lands and therefore I have to get an Act passed for this purpose. But these matters can very well be discussed in the Select Committee. Of course there may be difference of opinion on these matters.

With these words, Sir, I oppose the circulation motion.

**Mr. PRESIDENT:** Order, order. The question before the House is that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1947.

The question was put and the amendment was lost.

**Mr. LALIT CHANDRA DAS:** Sir, I beg to move that in the personnel proposed in the motion for referring the Bill to a Select Committee, for the name of "Mr. Lalit Chandra Das" the name of "Mr. Birendra Kishore Roy Chowdhury" be substituted.

Sir, I would like that Mr. Birendra Kishore Roy Chowdhury should take my place.

**Mr. PRESIDENT:** There is one point in this connection to which I would like to draw your attention, Mr. Das. How many members there are in your party? I find one party is not represented at all.

**Mr. LALIT CHANDRA DAS:** We are entitled to 4; we have got only 3 in this.

**Mr. PRESIDENT:** Anyhow as far as the present issue is concerned I leave it to you, Mr. Das, to decide whether Mr. Birendra Kishore Roy Chowdhury should take your place.

**Mr. BISWANATH ROY:** So long, Sir, 3 members were taken from the Congress and 1 member from the Nationalist Party was taken into the Select Committees. This time only 3 members have been included in the Select Committee from the Congress Party and no member from the Nationalist Party. So, if the other side agrees, I am ready to move a short notice amendment to include one more name to represent the Nationalist Party.

**Mr. PRESIDENT:** I do not think the Congress are really entitled to more than two seats according to calculation. The Congress is not entitled to more than 2 members (I mean excluding the Hon'ble Minister in charge of the Bill) forming a Select Committee. There are in the House 63 members altogether and the Congress according to their number is entitled to two seats on such committees.

**Mr. LALIT CHANDRA DAS:** Our strength is more than 12 and the Congress is entitled to 2.

**Mr. PRESIDENT:** In any case I am not going to raise that question today because the parties are yet in a fluid condition and we have not received authorised lists of membership of each party. I just wanted to mention that, nothing else.

**Mr. HARIDAS MAZUMDAR:** With reference to the Nationalist Party, Sir, we always used to get one seat. In this case through oversight we did not mention a name.

**Mr. PRESIDENT:** I would suggest that you come to an arrangement with Mr. Das in this matter.

**Mr. HARIDAS MAZUMDAR:** Yes, Sir, I had a talk with Mr. Das and from next time onwards matters will be set right.

**Mr. AMULYADHONE ROY:** Sir, how many members constitute a party?

**Mr. PRESIDENT:** I shall look into that matter later on; take your seat please.

Order, order. Motion moved that in the personnel proposed in the motion for referring the Bill to a Select Committee, for the name of "Mr. Lalit Chandra Das" the name of "Mr. Birendra Kishore Roy Chowdhury" be substituted.

**The Hon'ble Mr. FAZLUR RAHMAN:** I accept the amendment, Sir.

**Mr. PRESIDENT:** The question before the House is that in the personnel proposed in the motion for referring the Bill to a Select Committee, for the name of "Mr. Lalit Chandra Das" the name of "Mr. Birendra Kishore Roy Chowdhury" be substituted.

The question was put and agreed to.

**Mr. PRESIDENT:** The next amendment, Mr. Das.

**Mr. LALIT CHANDRA DAS:** Not moved, Sir.

**Mr. PRESIDENT:** Now comes the original motion. You wanted to speak Mr. Morgan. You may do so now.

**Mr. GEORGE MORGAN:** I rise to support the motion moved by the Hon'ble Minister for reference of this Bill to a Select Committee. My party, Sir, like other parties in this House, have had little time to examine this Bill. We must confess however to serious misgivings regarding the far-reaching implications of the measure. It is proposed, Sir, in furtherance of certain policies, to invest Government with extensive powers of summary acquisition of land throughout the Province. Before agreeing to grant those powers this House must be satisfied firstly, that it is absolutely vital in the public interest that those powers be given, and secondly, that they are only exercised to the extent that is necessary, with the least possible damage to the interests of those persons whose lands are being taken from them.

I do not propose at this stage to offer criticism of the declared purpose of Government in bringing forward this Bill; let us accept for the moment the plea that cultivable waste lands are required on a large scale and that the machinery of the Land Acquisition Act, 1894, is too cumbrous. We agree that it is lengthy and involved, and we are as anxious as the Hon'ble Minister to find ways and means of acquiring or resuming land, particularly for industrial purposes, by a simplified procedure. I hope the Hon'ble Minister will remember that we do agree with him on this point when considering another measure before this House.

Apparently, however, the main objection of Government to land acquisition procedure is the cost: the assessment of value would be too correct, too fair to the owner of the land. Government not only wants the land quickly but wants it for next to nothing. We shall be interested to hear in due course how the Hon'ble Minister proposes to justify the rates mentioned in the Bill, which seems to us to amount almost to complete expropriation.

There are other aspects of this Bill which are causing us some concern, but I will refer only briefly to two of these. Firstly, the definition of cultivable waste land is much too wide: any land which does not happen to be cultivated on a certain date. There may be many perfectly valid reasons why a particular plot of land may be left uncultivated; it may be part of the land attached to industrial premises; it may be a recreation ground for football; it may be common grazing ground and, as such, an essential integral part of rural economy.

This matter of possible annexation of village grazing lands leads naturally to my last point, namely, the exercise of the powers to be conferred by this Bill by the subordinate officers of Government. The intentions of the Hon'ble Minister may be wholly benevolent in seeking these powers, but what this House is concerned with is the possibility of their misuse. The House should not be contented with assurances: it must be seen that this measure, if passed into law, is framed in such away as to render it impossible for the officers of Government, who may not always keep in view considerations of justice and fair dealings, to utilise their powers in an arbitrary fashion. We are far from satisfied that the provisions of the Bill, particularly with regard to appeals, are not sufficient safeguard for the public against injustice.

With these remarks I support the motion for reference of the Bill to Select Committee.

**Mr. PRESIDENT:** Order, order. The question before the House is that the Bengal Acquisition of Waste Land Bill, 1947, be referred to a Select Committee consisting of—

(1) Mr. Syed Fazle Rabbi Chowdhury,

(2) Khan Bahadur Abdul Latif Chowdhury,

(3) Khan Bahadur Mukhlesur Rahman,

(4) Mr. Chowdhury Moazzem Hossein,

(5) Mr. Sultanuddin Ahmed,
(6) Mr. Amulyadhone Roy,
(7) Mr. G. Morgan, C.I.E.,
(8) Mr. Patiram Roy,
(9) Mr. Biren Roy,
(10) Mr. Birendra Kishore Roy Chowdhury, and
(11) the mover,

with instructions to submit their report by the 31st March, 1947, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

(The motion was put and agreed to.)

## Discussion of the Supplementary Demands.

**Mr. PRESIDENT:** We will take up the discussion of Supplementary Demands now. Finance Minister.

**The Hon'ble Mr. MOHAMMED ALI:** I will hear the debate and then reply.

**Mr. PRESIDENT:** You do not want to initiate the discussion.

**The Hon'ble Mr. MOHAMMED ALI:** No, Sir.

**Mr. HARIDAS MAZUMDAR:** Sir, this discussion is nothing but *post mortem* examination and I only congratulate the Finance Minister for offering this opportunity to speak a few words with reference to the speech made by him yesterday on the general discussion of the Budget. Sir, I cannot subscribe to the statement of the Hon'ble Minister yesterday that Bengal is virtually enjoying independence under the suzerainty of Delhi. If in the period in the 18th century——

**Mr. PRESIDENT:** Mr. Mazumdar you must confine yourself to the supplementary demands. The latitude given in the general discussion of the budget cannot be allowed in the discussion of the supplementary demands. You are raising a political question.

**Mr. HARIDAS MAZUMDAR:** This has bearing on the supplies, Sir,——

**Mr. PRESIDENT:** I am afraid you must change your manuscript.

**Mr. HARIDAS MAZUMDAR:** You just hear me, Sir. I am coming to the point——

**Mr. PRESIDENT:** I cannot allow you to make that speech.

**Mr. HARIDAS MAZUMDAR:** In this speech you will find, Sir, that it has bearing on the subject under discussion——

**Mr. PRESIDENT:** Mr. Majumdar you are trying create a very dangerous precedent, I may tell you.

**Mr. HARIDAS MAZUMDAR:** No, Sir, all the items concerned have been touched by me. Who does not know that the Raja——

**Mr. PRESIDENT:** Mr. Mazumdar I am really very serious, I cannot allow you to make such a speech. You must speak on the supplementary demand or resume your seat.

**Mr. HARIDAS MAZUMDAR:** I am going into detail: just hear me, Sir, I can say that in the best interest of Bengal and in the best interest of the Government of this province one should confine his attention to the interest of the people as a whole and not to one section alone. That is my

point. As regards the census, when census report continued without any bias. It is with the advent of the Muslim League Ministry that the report has undergone thorough manipulation. The Government of Mr. Fazlul Huq in which——

**Mr. PRESIDENT:** Mr. Mazumdar these are not the items included in the Supplementary Demand——

**Mr. HARIDAS MAZUMDAR:** In the Civil Supplies it is included——

**Mr. PRESIDENT:** What is included?

Here is the Supplementary Estimate for the year 1946-47. There is no mention of Civil Supplies Department in it.

**Mr. HARIDAS MAZUMDAR:** I can criticise the Civil Supplies Department.

**Mr. PRESIDENT:** You had your opportunity of criticising the Civil Supply Department at the time of the General Discussion of the Budget.

**Mr. HARIDAS MAZUMDAR:** Also in connection with the Supplementary Estimate I can criticise the Government.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, there is no mention of the Civil Supplies Department in the Supplementary Estimate.

**Mr. PRESIDENT:** That is what I have been trying to impress on Mr. Mazumdar. Mr. Mazumdar, if you are not ready to criticise these particular items you better not speak.

**Mr. HARIDAS MAZUMDAR:** The Hon'ble the Finance Minister raised several questions yesterday and I shall have to reply to them.

**Mr. PRESIDENT:** This is not the occasion on which you can speak on those matters. You should confine yourself to the particular items.

**Mr. HARIDAS MAZUMDAR:** Can I not refer to the general maladministration of the Province?

**Mr. PRESIDENT:** You cannot, I tell you.

**Mr. HARIDAS MAZUMDAR:** Then what is the use of examining this item of expenditure which has already been spent. It is a sort of *post mortem* examination. It is nothing but a mockery.

**Mr. LALIT CHANDRA DAS:** Sir, I desire to draw your attention and the attention of the honourable members of this House to section 81 of the Government of India Act, 1935. It runs as follows: "81. If in respect of any financial year further expenditure from the revenues of the Province becomes necessary over and above the expenditure theretofore authorised for that year, the Governor shall cause to be laid before the Chamber or Chambers a supplementary statement showing the estimated amount of that expenditure." Now, Sir, this provision has not been observed by the Finance Minister. He should have anticipated the expenditure and before the expenditure was really incurred he should have taken the authority from the Assembly for the expenditure of this amount necessary and then he could have placed that before this House for criticism. He should have brought this earlier. He has not done that and it is a sheer mockery on the House itself to have to criticise an expenditure which has already been spent. The money the Government has spent under Grant No. 31—Famine—is a huge amount—Rs.2,93,31,000. So long you have been telling us and the Chief Minister was also telling us and the outside people that there was no famine but the papers here show that there is famine in some parts of Bengal. Anyway it proves very much that you wanted to minimise the situation and for what purpose you know best. I say, Sir, it is a very huge

amount which has been spent under this head when they say actually there is no famine. You did not spend so much money even when there was the actual famine during 1942-44. (The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: You must address the Chair and not the Minister. You are addressing "you"). That can be surely done.

As a matter of fact, Sir, no details have been given how this expenditure was incurred. All that has been stated is that "the increase is due to purchase of accessory foodstuff such as 'Ralston', milk-powder, dehydrated vegetables, etc., for relief purposes; distribution of doles and clothings on a large scale; and opening of a larger number of cheap grain shops". Were the Bills examined by any person to see how this huge amount was spent? It was necessary that there should be vouchers for all kinds of expenditure. Were these examined and have you satisfied any committee that the monies were actually spent and spent according to the rules of accounts, I mean according to the rules of the Government. Or did somebody simply come forward and say that such and such amount was spent and you only noted that down and you have accordingly put down this huge amount before us saying—Well, this is the amount we have spent. This is a very bad habit altogether. You should have anticipated what is necessary for the purpose of meeting an extraordinary situation and having anticipated that, brought your supplementary budget in right time, say in the winter Session. Now this is the fag end of the year. In the year closing month of March you have brought it and a few days more, the financial year would have been over, and presenting it at this late stage you say that we incurred an expenditure of 2 crores 93 lakhs and 31 thousand under "Famine (Grant No. 31). That is an extraordinary demand. Criticism at this stage is useless. All that we want to say is that you must change this bad habit, namely, presenting the supplementary budget at the fag end of the year and a few days more the financial year will be over. You should bring your supplementary budget in right time and then get it passed.

Now I draw your attention, Sir, to the head "Police" (Grant No. 17). In the Explanatory Memorandum under this head it appears that "the increase under 'Pay of Establishment', is due to the strengthening of the Armed Branch of the Calcutta Police and that under 'Other Contingencies' is due to the rearmament of the Calcutta Police Force with 303 rifles and the purchase of 10 jeeps for the Calcutta Police". Now, Sir, look at how has this strengthening of the Armed Branch of the Calcutta Police been effected? It is, Sir, by importing from the Punjab a large number of *ex*-servicemen all Muslims. Now, how nice the position would have been had you placed this budget early, *i.e.*, before importing these Punjabi *ex*-servicemen and asked for a grant like this? I think, Sir, in that event you would have got the advice from this House as well as from the Assembly, which has got the right to sanction or refuse a grant, that, if you require the Armed Force to be strengthened, you should do so by appointing Bengalis and not by importing the *ex*-servicemen from the Punjab. You have deprived both the Houses of their right of criticism, of their right of persuading you to do the right thing at the right time. And in this matter of appointing *ex*-servicemen from the Punjab as constables in the Calcutta Armed Forces, whether you heard us or not, there would have been the chance for us of appealing to your sentiments, to your feeling of local patriotism. We could have persuaded you in right time to take even the Bengali Muslims in the armed forces instead of importing the Punjabi Muslims. You have taken away that opportunity from us. Therefore I repeat that it is a bad practice to bring in supplementary budget estimates like this for criticism at the fag end of the year.

I would like to touch also "Grant No. 20—Charges on account of Education, a token grant of rupee one for Muslim Education". In the Explanatory Memorandum under this head it is stated "This token demand of Re.1 is made for the purpose of obtaining the assent of the Legislature

to the payment of a contribution of Rs.4,32,000 to the Muslim Education Fund which has been created this year for the advancement of Muslim Education. The balance of the contribution will be met out of savings elsewhere in the current year's Education Budget."

Sir, you have cut away a very important grant, for it actually made for the expansion of science in the Calcutta University. There they cut out 9 lakhs. Can the balance be met out of the savings made on that head? If not, then it is a grievous wrong done to Education. If this grant had been presented in right time before the House we could have pointed out the necessity of such a provision along with that for Muslim education, Madrassahs and other things. Sir, an allotment should be made for helping and starting a hostel for scheduled castes students. Have you made any such provision. I think you have not. (The Hon'ble Mr. MOHAMMED ALI: Yes.) But then a much larger grant is necessary and we would have been able to point that out to you when the provision was brought before the House; we could have pointed out to you what the grant should be in comparison with the provision made for the education of the majority community. No, Sir, this token grant will not do. That men are suffering from severe hardships in respect of education——

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Sir, I rise on a point of order. According to Rule 10 of the Procedure Rules of this House a member desiring to make any observations on any matter before the Council shall speak from his place, shall rise when he speaks, and shall address the President, etc. But he is addressing members direct as "you, you", etc. Is this in order?

**Mr. LALIT CHANDRA DAS:** Yes, Sir, I am aware of this rule and observe it.

**Mr. PRESIDENT:** He has not addressed any member personally but he really means the Chair.

**Mr. LALIT CHANDRA DAS:** I am appealing to the treasury benches through the President, Sir.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** But, Sir, he is using expressions "you" meaning not the Chair but the Ministers. He is putting questions direct and not in the third person.

**Mr. PRESIDENT:** Mr. Das, please don't put any question to the Hon'ble Ministers direct.

**Mr. LALIT CHANDRA DAS:** Sir, I may say at the very outset that whatever I do say I am saying through the President. The Hon'ble Minister should not be so thin-skinned.

**Mr. PRESIDENT:** That is an unparliamentary practice and it should not be allowed to develop.

**Mr. LALIT CHANDRA DAS:** No, Sir, there is no such fear; but at the same time the Minister should not be so thin-skinned. When the Minister whom I am addressing is not objecting, I do not think he should interrupt.

**Mr. PRESIDENT:** But the rules of the House should be observed, Mr. Das. You should not forget that.

**Mr. LALIT CHANDRA DAS:** But, Sir, he need not do so——

**Mr. PRESIDENT:** Order, order. The Leader of the House is perfectly right in drawing attention of the Chair to this breach of rules.

**Mr. LALIT CHANDRA DAS:** I do not say that that he is not right, but I simply say that he need not be so thin-skinned as that.

Anyway, Sir, all that I do say is that the grant for accommodation of scheduled astes students is absolutely inadequate and if the Hon'ble Minister concerned had brought forward this proposal at the right time, then we should certainly have considered the matter and moved for ample provision for the education of the members of that community, so that there would not have been any room for complaint whatsoever on this score.

The last observation that I would make is that the demand for such a huge amount in the supplementary demand only proves that the Hon'ble Finance Minister did not anticipate properly the expenditure of things to come. We think the Finance Minister should always be of such capacity that he should be able to anticipate coming events and make corresponding provision for them. The amount asked for is so huge that it only shows the extreme carelessness with which the original budget was drawn up.

**Mr. PATIRAM ROY:** মাননীয় সভাপতি মহাশয়, supplementary বাজেটের দিকে লক্ষ্য করলে সর্বপ্রথমে দেখা যায় যে এই বাজেটের বিভিন্ন খাতে যা কিছু ব্যয় করা হয়েছে তার মধ্যে সর্বাপেক্ষা বেশী ব্যয় করা হয়েছে বিবিধ খাতে। প্রধান যে সব heads আছে সে সব head সব যোগ করলেও বিবিধ তার থেকে ছাড়িয়ে যাবে ব'লে বোধ হয়। এটা একেবারে খাজনার চেয়ে বাজনা বেশী করা হ'য়ে গিয়েছে। তার মধ্যে Bihar refugeeদের জন্য ৫১ লক্ষ টাকা ব্যয় করা হয়েছে। বিহার থেকে যারা দুর্গত এবং দুরবস্থায় পড়ে বাংলায় এসেছে তাদের উপর নির্দয় হওয়ার কথা বলছি না। এই refugeeদের মধ্যে যারা বেকার অবস্থায় বাংলায় এসেছে তাদের সাহায্য করা যেতে পারে। কিন্তু এই যে নিয়মিতভাবে লক্ষ লক্ষ টাকা ব্যয় করা হ'চ্ছে যাদের জন্য, তাহারা সকলেই দুর্গত কি না সে বিষয়ে সন্দেহের অবকাশ আছে। এই বিহারী দুর্গতদের জন্য বাংলার লক্ষ লক্ষ টাকা ব্যয় করা হ'চ্ছে যে টাকা বাংলার দুর্গতদের রক্ত শোষণ করে ট্যাক্স এবং কররূপে আদায় করা হয়। এই বাংলাদেশের অধিবাসিগণ আজ হয়ত বহু স্থানে এই বিহারীদের অপেক্ষা অধিকতর দুর্গত। বাংলার বহু জায়গার লোক খাদ্য এবং বস্ত্রাভাবে এত কষ্ট পাচ্ছে যে ভাষায় তা প্রকাশ করা যায় না। বাংলা গভর্ণমেণ্ট সে বাঙ্গালীর দিকে একবার না তাকিয়ে বিহার দুর্গতদের জন্য লক্ষ লক্ষ টাকা ব্যয় করছেন। প্রশ্ন এই যে বিহারীদের জন্য যে ব্যয় করা হ'চ্ছে তার কত টাকা বিহার গভর্ণমেণ্ট দিচ্ছে। কেন্দ্রীয় গভর্ণমেণ্ট যথেষ্ট টাকা বাংলা হ'তে ট্যাক্সরূপে আদায় করিয়া লয়, অথচ এই সে দিন বাংলা গভর্ণমেণ্ট কেন্দ্রীয় গভর্ণমেণ্টের কাছে সাহায্য চেয়েছিল বা টাকার দাবী ক'রেছিল কিন্তু কেন্দ্রীয় গভর্ণমেণ্ট বাংলা গভর্ণমেণ্টের সে দাবী প্রত্যাখ্যান করে ছুড়ে ফেলে দিয়েছে। সে ক্ষেত্রে বাঙ্গালীর এই টাকা, বাংলার দুর্গতদের এই টাকা নিয়ে অন্য প্রদেশের, তারা দুর্গত হ'তে পারে--তাদের জন্য আমাদের যথেষ্ট সহানুভূতিও আছে---কিন্তু বাঙ্গালীর রক্ত জল করা টাকা দিয়ে যদি তাদের উপকার করা হয় তা' বাংলার লোক আমরা সহ্য করতে পারি না।

এর পর আসি Grant No. 13এ---জীপ কার বাবদ ৯৬ হাজার টাকা ব্যয় করা হয়েছে। এই জীপ কার কিনে হয়ত গভর্ণমেণ্ট বাংলার বিভিন্ন জায়গায় Executive Officerদের কাজের সুবিধার জন্য দিচ্ছেন। বাস্তব ক্ষেত্রে এর দ্বারা সরকারী কাজের সুবিধা যতটুকু হউক বা না হউক এই জীপ কার দিয়ে তাদের স্ব-সম্প্রদায়ের সাম্প্রদায়িক অনুষ্ঠানের প্রচার কার্য্য চালনার খুব বেশী সুবিধা করে দেওয়া হয়েছে। অনেক ক্ষেত্রে এটা নিছক সত্য কথা যে এই জীপ কার দেওয়াতে অনেক অফিসারের দলীগের propaganda করার অত্যধিক সুবিধা হয়েছে। এমনিভাবে সাম্প্রদায়িক বিষ বাংলায়, শুধু বাংলায় কেন সমগ্র ভারতে বিস্তারিত হ'য়ে প'ড়েছে। এই জীপ কার দিয়া সরকারী ক্ষমতার সহায়তায় সেই বিষ ছড়ান propagandaর সুবিধা করা হ'চ্ছে। সাম্প্রদায়িকতা-বিষ ছড়ান হ'চ্ছে শুধু এই জীপ কার দিয়া নহে। বাংলা গভর্ণমেণ্ট তার administrationএর প্রত্যেক কার্য্যে সাম্প্রদায়িকতা বিস্তার ক'রছে। প্রত্যেক জায়গায় অফিসারদের মধ্যে সম্প্রদায়গতভাবে উন্নতি এবং নিয়োগের ব্যবস্থা করা হ'চ্ছে। সাম্প্রদায়িক বুদ্ধিতে বাংলা গভর্ণমেণ্ট এমন কলুষিত হ'য়েছে যে, তারা শুধু বিভিন্ন সম্প্রদায়ের মধ্যে পার্থক্য দেখাচ্ছে না। বাংলা গভর্ণমেণ্টের বিভিন্ন বিভাগেও এমন একটা পার্থক্যভাব বর্তমান আছে যে তা দেখলে বেশ বুঝা যায় ভেদ-বুদ্ধিতে বাংলা গভর্ণমেণ্ট কিরূপ কলুষিত। দৃষ্টান্ত স্বরূপ আমি বলতে পারি এই Assembly, Council House এবং Secretariatএ যাঁরা Upper Divisionএ Clerk আছেন তাঁদের উপর সমানভাবে বিবেচনা করা হয় না।

Assembly ও Councilএর ক্লার্কদের বেতন Secretariatএর সেই rankএর clerkদের বেতন অপেক্ষা অত্যন্ত কম। এই দুই আইন সভায় যাঁরা অফিসার আছেন তাঁদের অনেকেরই promotionএর কোন ব্যবস্থা নেই কিন্তু Secretariatএ সেই rankএর অফিসারদের জন্য সে সমস্ত ব্যবস্থা আছে। গভর্ণমেণ্টের এই পার্থক্য সম্প্রদায় ছাড়িয়া শেষকালে এই বিভাগগুলির ভিতর এসে পড়েছে। গভর্ণমেণ্টের এ ত্রুটি বা অবিচার না থাকা ভাল। আমরা এ আশা করতে পারি যে তাঁরা নিরপেক্ষভাবে কাজ করবেন। গভর্ণমেণ্ট একা মুসলমানেরও নয় এবং একা হিন্দুরও নয়। এটা বাঙ্গালীর গভর্ণমেণ্ট। কাজেই তাঁরা সমানভাবে বিবেচনা করবেন। এ আমরা আশা করি। (Mr. HARIDAS MAJUMDAR: সেটা দুরাশা।)

তারপর আমার বক্তব্য হ'চ্ছে শিক্ষা বিভাগ সম্বন্ধে। শিক্ষায় যারা অনুন্নত—এই অনুন্নত সম্প্রদায়কে বিশেষ সুবিধা দিয়ে তাদের শিক্ষায় উন্নত করে তোলার ব্যবস্থা করা উচিত। একথা শুধু আমরা কেন, সমস্ত পৃথিবীর লোক স্বীকার করেন। যেহেতু মুসলমান সম্প্রদায় শিক্ষায় পশ্চাৎপদ তাদের শিক্ষার জন্য যেভাবে বিশেষ ব্যবস্থা করা হ'চ্ছে, তা করা হউক, তাতে আমাদের আপত্তি নাই। কিন্তু তাদের অপেক্ষা আরও পশ্চাৎপদ যে তপশীলভুক্ত জাতি তাদের শিক্ষার জন্য কি ব্যবস্থা করা হ'চ্ছে তাহাই আমাদের আলোচ্য বিষয়। বর্ত্তমান বৎসরের বাজেটে তপশীলভুক্ত জাতির ছেলেদের শিক্ষার জন্য পাঁচ লক্ষ টাকা অতিরিক্ত বরাদ্দ করা হয়েছে কিন্তু সেটা recurring করা হয়নি। এই পাঁচ লাখ টাকা recurring করা হউক ইহাই আমাদের দাবী। আর একটা কথা এই যে Muslim Education Fundএ দশ লাখ টাকা পৃথকভাবে রাখা হ'য়েছে, তাতে তুলনা করিয়া বলা হয় জনসংখ্যার তুলনায় তপশীল জাতিকে শিক্ষার জন্য যথেষ্ট টাকা দেওয়া হ'য়েছে। এ সম্বন্ধে আমার বলবার কথা এই যে তপশীলভুক্ত জাতির জন্য যে পরিমাণ টাকা দেওয়া হয়েছে তাদের দাবী তদাপেক্ষা আরও বেশী। তার একটি মাত্র কারণ আমি বলবো, যে সাধারণ Education Fund আছে সে Education Fund পরিচালনা করছেন বিগত বহু বৎসর ধরে বাংলার মুসলমান সম্প্রদায়ভুক্ত কোন না কোন মন্ত্রীমহোদয়, কাজে কাজেই সেই যে সাধারণ Fund সেটা পরিচালিত হয় মুসলমান সম্প্রদায়ের লোকের দ্বারা। তার দ্বারা মুসলমান সম্প্রদায়ের যত উপকার হ'তে পারে অন্য সম্প্রদায়ের লোকের তত উপকার হ'তে পারে না, কারণ এটা মানুষের স্বভাব, স্বাভাবিক প্রবৃত্তি তার নিজের সম্প্রদায়কে ক্ষতিগ্রস্ত হ'তে দিবে না, বরং অংশে বেশী আনিবে। এই শিক্ষা বিভাগের এই শিক্ষা তহবিলটি আজ পর্য্যন্ত কোন তপশীলভুক্ত জাতির কোন লোকের হাতে আসেনি। কাজেই আমরা বলবো যেখানে Education Department পরিচালনা করছেন কোন মুসলমান সম্প্রদায়ভুক্ত মন্ত্রী এবং যেখানে এই শিক্ষা বিভাগে শতকরা ৭৫ জন অফিসার মুসলমান সেখানে মুসলমানদের জন্য পৃথক তহবিল সৃষ্টি করার কোন আবশ্যকতা নাই। সে ক্ষেত্রে মুসলমানদের পৃথক Fund সৃষ্টি করা হ'ল, অথচ তপশীলভুক্ত জাতির জন্য দয়া হ'চ্ছে না। পাঁচ লক্ষ টাকার জায়গায় temporary ভাবে আর পাঁচ লক্ষ টাকা দিলেন, যেন দয়ার আর সীমানা নাই। বাংলায় তপশীলভুক্ত জাতি শিক্ষায় সর্ব্বাপেক্ষা পশ্চাৎপদ। তারা সকলের কাছে দয়ার পাত্র। শিক্ষায় পশ্চাৎপদ মুসলমান সম্প্রদায় বহু বৎসর ধ'রে এই শিক্ষা বিভাগ পরিচালনা ক'রছেন, তাদের পক্ষে তাদের অপেক্ষা অধিকতর শিক্ষায় পশ্চাৎপদ এই তপশীলভুক্ত জাতির জন্য পাঁচ লক্ষ টাকা কেন যদি ৫০ লক্ষ টাকাও দিতেন তা'হ'লে সেটা অন্যায় হত না যেহেতু আমরা শিক্ষায় অত্যন্ত পশ্চাৎপদ। আমরা সে দাবী করতে পারি।

**Mr. PRESIDENT:** I presume that the discussion of Supplementary Demands will continue. Is that the idea?

**The Hon'ble Mr. MOHAMMED ALI:** Yes, Sir, some members of the Government Party will also speak.

**Mr. PRESIDENT:** Then we may adjourn the House now and tomorrow we shall take it up again.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** I understand there is a Hindu festival tomorrow.

**Mr. PRESIDENT:** I do not know if the Assembly is closed tomorrow. In any case we do not go by the time-table of the Assembly. If the honourable Hindu members want a holiday tomorrow for the "Baruni" I hope

the Muslim members will not stand in their way. It is, in any case, for the House to decide whether there should be sitting tomorrow or not.

**The Hon'ble Mr. MOHAMMED ALI:** We can have no objection, Sir, if the other side, if the Hindu members want a holiday.

**Mr. PRESIDENT:** If tomorrow the House does not sit and if this discussion of the Supplementary Budget is not continued tomorrow the next sitting day is on Friday, but then Friday is a non-official day and the Supplementary Budget cannot be taken up on Friday. That will upset the time-table, will it not?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Yes, a bit.

**The Hon'ble Mr. MOHAMMED ALI:** I am sure you realise the difficulties, Sir, but we do not stand in the way of our friends opposite. It is a question of religious festival. We cannot oppose it.

**Mr. LALIT CHANDRA DAS:** The members of my party are insisting that they should have a holiday tomorrow for the festival.

**Mr. PRESIDENT:** All right. As the Hindu members want a holiday tomorrow the Government are also agreeable the House stands adjourned till 2-30 p.m. on Friday.

## Adjournment.

The Council then adjourned till 2-30 p.m. on Friday, the 21st March, 1947.

**Members absent.**

The following members were absent from the meeting held on the 19th March, 1947:—

(1) Mr. L. P. S. Bourne,
(2) Mr. Yusuf Ali Chowdhury,
(3) Mr. Bankim Chandra Datta,
(4) Mr. Kamini Kumar Dutta,
(5) Mr. Eric Dermot Doyne,
(6) Khan Bahadur Shaikh Fazal Ellahi,
(7) The Hon'ble Mr. Abdul Gofran,
(8) Mr. Mungturam Jaipuria,
(9) Khan Bahadur Alhadj Shaikh Muhammad Jan,
(10) Mr. Humayun Z. A. Kabir,
(11) Mr. Syed Abdul Majid,
(12) Mr. Nagendra Nath Mahalanobish,
(13) Mr. T. B. Nimmo, and
(14) Dr. Kumud Sankar Roy.

WBGP-47/8-4462A-750

## First Session, 1947—No. 22.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on 21st March, 1947, at 2-35 p.m., being the 22nd day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

### Point of Privilege.

**Mr. LALIT CHANDRA DAS:** On a point of privilege, Sir. On Friday last Mr. Deputy President was in the Chair and the Hon'ble Finance Minister laid before the House the accounts of the province and the Report of the Auditor-General thereon and we wanted to move a motion thereon. It was understood that it would be taken up first thing today. Day before yesterday we called on you in your Chamber, Sir, and we understand that a certain compromise was arrived at with regard to the Resolution. We however have not got a copy of the resolution. Can we get a copy now, Sir?

**Mr. PRESIDENT:** I understand, Mr. Das, a copy of the resolution was sent to Government for their views. I would therefore propose to discuss the matter with Hon'ble Finance Minister as regards the form of the resolution. It can be taken up any time today.

**Mr. LALIT CHANDRA DAS:** All right, Sir.

### Non-official Resolutions.

**Mr. NUR AHMED:** Sir, I beg to move that this Council is of opinion that the Government of Bengal be strongly urged upon to take very early steps to found a Muslim University in Bengal on the line of Aligarh Muslim University and other similar special Universities of the world and to enact suitable legislation for that purpose.

Sir, this is a most important resolution from Muslim educational point of view. At the very beginning I want to clear a misconception about this resolution. I do not move this resolution with any communal motive. There is nothing communal in the proposition. Sir, this resolution asks for special facilities for the Muslims of Bengal in view of their very backwardness in the field of education, so that they may make a very rapid progress in the field of education to make up their deficiency. For this purpose it is urgently necessary that special facilities should be given to Muslims and other backward classes who are very backward in education and the policy of giving special facilities has not only been not admitted in any system of public instruction of this country but also have now been put into operation from many decades. Many special institutions such as Benares Hindu University, Sanskrit College in Calcutta, Islamia College, Aligarh Muslim University have been established which justify the soundness of this policy. The Commissions and Committees which have investigated into the causes of the backwardness of Muslim education recommended the soundness of this policy and the Calcutta University Commission, which published its report in 1917-19 in Part I, Chapter VI of Volume I of that report the Commission remarked "Mussalmans have their own tradition and ideal,—tradition and ideal which are the common property of Islam but which cannot be identified with those of any other communities. Prominent among the ideals which sway the ordinary Mussalman—the conviction that nothing would compensate for the loss of the conscious membership of the Great Mussalman community of the world. So while the Bengali

Mussalman is genuinely anxious that the community reap the full benefit of secular education, he is not prepared to take these benefits at the price of any real sacrifice of Islamic tradition, culture and custom. The feelings of the Muslims have been tinged with not unnatural pride, its traditional culture, the culture which was evolved during the great days of Islam. The Indian Muslims like the Hindu patriots feel towards India as their mother land. The ideals of Islam, their conception of society are at once cosmopolitan".

The Indian Education Commission of 1882 practically made similar remarks strongly recommending for special facilities to the Muslims by way of special scholarships, stipends, establishment of special institutions for Muslims. Dr. W. W. Hunter in his book "Indian Muslims" in 1871 ascribed to the system of education introduced by the Britons the cause of Muslim backwardness in education. He wrote "Our system of public instruction ignores the three most powerful instinct of the Muslims. According to deep thinking men secular education signally failed in Ireland. In 1913 Mr. W. Hornell as Chairman also recommended the establishment of special institutions for Muslims. The Secretary to the Government of India, Education Department, in his letter dated 1913 stated the necessity of establishing special institutions for Muslims at important Muslim centres of population. The Calcutta University Commission stated that up to Matriculation class on 31st March 1917 the number of Muslim pupils was less than 1/5th of the Hindus. In other words, though the Muslims represent 52·7 per cent. of the population of Bengal Presidency their children constitute only about 1/5th of boys and girls who were receiving secondary education. In 1916-17 the percentage of Muslims in the high schools was only 26·5 per cent. and only 7·3 per cent. appeared in the Matriculation examination in that year. On account of the slow progress of Muslim education in Bengal the University Commission recommended "We consider it desirable that a college for the Muslims should be established in Calcutta." In pursuance of their recommendation the Islamia College was established. The majority of those who oppose communal representation are in favour of communal colleges, even a communal University. Mr. R. N. Gilchrist, the then Principal of Krishnagar College, favoured the establishment of a separate University for Muslims. Mr. S. G. Dunn of the Muir College, Allahabad, considered that the needs of particular communities such as the Muslims should be met by the establishment of special Universities. Mr. Mark Hunter, the then Director of Public Instruction of Burma, expressed the same view in favour of a communal University. Rightly or wrongly there is a strong feeling amongst Muhammadans that though they are numerically superior to other communities in Bengal, and are making every effort to advance in education, very little regard is paid to their requirements in the University. Mr. Sharpe was of opinion that the Muslims require larger representation on the governing body. This can be best arranged by the establishment of special University as centres of Muhammadan education, like Dacca and Chittagong. For their backwardness, for the backwardness of Muslims in higher education, the Calcutta University Commission in paragraph 102 of Volume I of their Report advocated special facilities for rapid progress of Muslim education. In paragraph 103 of Chapter VI of Volume I, Part I of their report the Calcutta University Commission made the following specific recommendation in the following words:—

"A satisfactory solution of the difficulties in the way of Muslim education is not unattainable. It will be found—we hope it will be found—partly in the establishment of Muslim colleges, halls of residence and hostels in which the tone of thought will be congenial to Muslims and their way of life and worship observed; partly by endeavouring to ensure that, where there are considerable groups of Muslim students in any college their tutorial and social needs should be provided for; partly through a reconstruction of the University, which should welcome the erudition of Muslim teachers and

other Islamic scholars chosen for their eminent learning not from Bengal only but out of the whole Islamic world and should furnish them with opportunities of teaching and research. Sir, purposely I have referred to the opinion of this expert body like the Calcutta University Commission, an Indian Education Commission, to prove that there is no communal question involved in this resolution. The necessity of such a University was felt, advocated by many learned bodies, learned non-Muhammadan educationists in the past. The Government of India as well as the Government of Bengal have already realised the necessity of special facility for the Muslims in the field of education. There is no danger of communalism in this demand for larger facility. Muslims of Bengal have been demanding special facilities for more than a century. An All-India Muslim deputation waited upon the then Lord Minto on 1st October, 1906, at Simla and presented a memorial containing Muslims' grievances and the need for establishing a Muslim University as a centre of their culture and tradition. The Hartog Committee which as auxiliary to the Simon Commission investigated into the progress of education in India in their report published in 1929 after reviewing the causes of the slow growth of Muslim education specially in Bengal, at page 206 of their report remarked as follows:—

"If, therefore, special arrangements inside the public system of education were made now and possibly for some time to come, to enable Muhammadan community to take its full share of life and in the advance of the nation, this would not in our opinion be inconsistent either with sound democratic or sound educational principles."

Then that committee recommended to the Government of Bengal to give facilities to the Muslims in all possible ways for making up the great leeway in the field of Muhammadan education. As the expression of the principle which was involved in the resolution quoted above remarks, I now come to the most important question, that is why a Muslim University is needed in Bengal, to accelerate the progress of Muhammadan education. I have tried to show to some extent the need for such institution in Bengal by quoting the opinion of committees and learned bodies like the Calcutta University Commission and the Hartog Committee. Now I will prove the miserable condition of Muslim education as it prevails in Bengal at present. I will quote some figures to show how the Muslims still lag behind in the field of education. The latest figures disclosed to this House in reply to a question of mine by the Hon'ble Education Minister were that in 1940-41 there were 7,063,096 Muslim students in the primary stage, that is their percentage was 51, but in the middle stage that number from 17 lakhs dropped to 56,000, that is to 26 per cent. In the higher stages it was still further reduced to 50,443, that is to 25 per cent. In Arts colleges it was reduced to 7,676, i.e., to 20·7 per cent. and in professional colleges it was reduced to 850, i.e., to 12·2 per cent. In technical schools and commercial schools it was 2,239, that is, 26·9 per cent. and in commercial schools it was 566, i.e., 21·8 per cent. Even if we compare the figure for 1940-41 with the figures of 1945 it will be seen that there has not been any appreciable increase in the number within these five years, in number or in the percentage. Rather in some respects it has been reduced. In the primary stage the number of Muslim students has rather decreased from 17 lakhs to 16 lakhs that is from 54·9 per cent. to 54·5, though it seems to have increased by a slight extent at the middle stage. From 56,000 to 76,000 that is 31·9 in high stage it has been increased to 66,691 that is from 25·5 per cent. to 26 per cent. In Arts Colleges its number has decreased. Here it is found 7,600, that is, from 20·4 to 19·3 per cent. In professional colleges it has increased from 12·2 to 15·4 per cent. In technical schools it has increased a little, that is 2,392. It has increased in percentage and not in number. Compared with the latest figure with the figures of 1927 we find that during the 30 years the progress of Muslim education has not been considerably advanced. That is in 1927 the percentage of Muslim in primary stage was 51. It has increased only by 3 per cent., that is, 54·5 per cent. In the middle

stage it has increased by 12½ per cent. But in high stage it is 5 per cent only. It was 15·5 per cent. in 1945, it is now 19·5 per cent. In Arts College from 14 per cent. to 19 per cent. that is, an increase of 5 per cent. I professional college from 14 per cent. to 15 per cent., that is, 1 per cent At this rate if the Muslims are to progress it will take a century to make up the leeway in respect of education. It is apparent from the percentage o Muslim to the total number of population that the progress of Muslin education is very slow during the period from 1927 to 1947. From these figures it will be proved that the percentage of Muslims getting education is very inadequate and it has practically remained steady, in the middle stage it has increased a little and in the high stage it has increased by 1 per cent. and in Arts Colleges it has increased to 5 per cent. So Bengal lags behind compared with the education of Muslims in other provinces. It will be seen that Bengali Muslims lag far behind as compared with their brother Muslims in other provinces in the field of education. According to the Hartog Committee's report, in Bengal the ratio of people is far less than that of Muslim population. The ratio of Muslim population is 54 per cent. but the students in the Arts Colleges is 14·2 per cent. In Madras the percentage of Muslim population is 6·7 but the percentage of Muslim pupils is 11. In United Provinces the percentage of Muslim population is 14·3 and the percentage of Muslim pupils is 18. In Bihar, the percentage of Muslim population is 10·9——

**Mr. PRESIDENT:** Mr. Nur Ahmed, I may just tell you that half-an-hour is the time-limit given to the mover of a resolution and you have nearly reached that time-limit.

**Mr. NUR AHMED:** Sir, I shall very briefly refer to the present condition of the Muslim education especially in the higher education. During the last 10 years from 1931 only 2,225 boys have passed the Matriculation. Of successful candidates only 96 passed I.Sc. against 1,646 of the Hindus. Only 18 passed B.Sc. against 501 Hindus. The number of Muslim students who passed M.Sc. from 1935-38 was 14 against 650 of the Hindus. In 1938-39 the percentage of the Hindu boys who went to high schools from primary schools was 74·5 and such number of Muslims was 23·7 only. Sir, only 18 Muslim boys passed M.Sc. during the 5 years from 1935. As my time is up I do not want to dwell on other aspects of the question. I think I have already sufficiently shown what is the present condition of Muslim education in Bengal. It is still 1/5th in higher education. So special facilities are needed in the field of education. Don't you think that if the Muslims are not educationally equipped for taking equal share in the administration of the country they will not be able to do greater good to this great country? I appeal to my friends to consider this demand for giving special facilities to the Muslims and I hope they will support my resolution.

**Mr. PRESIDENT:** Motion moved that this Council is of opinion that the Government of Bengal be strongly urged upon to take very early steps to found a Muslim University in Bengal on the line of Aligarh Muslim University and other similar special Universities of the world and to enact suitable legislation for that purpose.

**Mr. LALIT CHANDRA DAS:** Sir, I rise on a point of privilege again. May we know when the Government resolution will be in regard to the Public Accounts Committee?

**Mr. PRESIDENT:** I am going to discuss that matter. Will you please wait for some time. Let Mr. Kabir move his amendment.

**Mr. HUMAYUN KABIR:** Sir, I beg to move my amendment to the resolution of Mr. Nur Ahmed that for all the words beginning with "found a Muslim University in Bengal" and ending with "for that purpose," the following be substituted, viz.:—

"secure the advancement of Muslim education in Bengal specially with a view to enable the Muslim community to make up their leeway

in scientific and technical education by providing for free tuition, boarding and lodging in medicine, agriculture, the sciences and technologies for all meritorious students who secure more than 60 per cent. marks in the Matriculation Examination of the Calcutta University or the Board of Intermediate Studies, Dacca, and the grant of suitable stipends and scholarships to other deserving students selected on the recommendations of a Board composed of two educationists nominated by each of the Universities of Calcutta and Dacca."

As amended the resolution will therefore read as follows:—

That this Council is of opinion that the Government of Bengal be strongly urged upon to take very early steps to secure the advancement of Muslim education in Bengal specially with a view to enable the Muslim community to make up their leeway in scientific and technical education by providing for free tuition, boarding and lodging, in medicine, agriculture, the sciences and technologies for all meritorious students who secure more than 60 per cent. marks in the Matriculation Examination of the Calcutta University or the Board of Intermediate Studies, Dacca, and the grant of suitable stipends and scholarships to other deserving students selected on the recommendations of a Board composed of two educationists nominated by each of the Universities of Calcutta and Dacca.

(At this stage the Deputy President took the Chair.)

Mr. Deputy President, Sir, I think it will not be necessary for me to make a long speech in support of my amendment. To a very large extent I find my honourable friend who moved the resolution has advanced arguments which are arguments not in favour of his resolution but in favour of an amendment of the type which I have placed before the House. The main argument which he placed was that the Muslims are today educationally backward and for that they require certain special facilities, and it is only with a view——

**Mr. HAMIDUL HUQ CHOWDHURY:** On a point of Order. Is the amendment really in order, Sir?

**Mr. HUMAYUN KABIR:** It has been moved.

**Mr. LALIT CHANDRA DAS:** It has been found to be in order.

**Mr. HAMIDUL HUQ CHOWDHURY:** The amendment seems to be totally of a different kind, different altogether from the purpose of the resolution itself. It must have some connection with the resolution but I find it has not. The amendment is a good resolution standing by itself, and I should welcome an opportunity to discuss it but not in the form in which it is brought, namely, in the form of an amendment to a resolution.

**Mr. DEPUTY PRESIDENT:** Fortunately before taking the chair I consulted the very point with the Hon'ble President and the Hon'ble President is of the opinion that it is in order and he has referred me to page 277 of May's Parliamentary Practice.

**Mr. HUMAYUN KABIR:** Thank you, Sir. If I might digress for a moment, I would draw the attention of my honourable friend who raised this point of order to the recognised parliamentary practice by which a mover of an amendment is permitted to remove every single word of the original resolution following after the words "That the House resolve." I believe that the question raised by my friend regarding the inadmissibility of my amendment has been already settled by you. Anyway, as I have pointed out, my friend, as a practitioner of law, should be more aware

of parliamentary procedure and practice and as an experienced parliamentarian he should not forget things which he himself has done in the past.

I will now, Sir, proceed with the amendment which stands in my name. I would go further and say, by whatever name you like to call it, that there is a definite proposal in it, a definite suggestion for carrying out the very purposes of the honourable the mover of the resolution. He wants that, in view of the backwardness of the Muslims educationally, special facilities should be provided for them so that the backwardness may be overcome. That is the whole purport of his resolution. I do not think there is any particular point or any special fascination for the words "Muslim University". And here in passing I may also say that in a sense the words "Muslim University" are a contradiction in terms. A University is a place where the universe meets. It is a university where the whole universe is invited for the exchange of knowledge and learning. To talk of a "Muslim University" is to ask for (as we say in Bengali) Shonar Pathar Bati (an earthen cup made of gold). What my honourable friend wants is more facilities for Muslim education but what he exactly means by demanding "a Muslim University" for the purpose, he did not make clear in his speech; at least I am afraid that the wording of his resolution does not make it clear.

What do the terms "a Muslim University in Bengal on the lines of the Aligarh Muslim University" and "other similar special universities of the world" mean? There are certainly special universities in the world; there are technological universities, there are universities which deal with arts subjects, universities which are confined to particular branches of knowledge or learning. But I do not think there are other special universities of the particular kind that my honourable friend has in mind. Sir, one of my friends mentions the name of the Al Azhar University. That, however, is an institution that is not a Muslim University in the sense in which it is used in the resolution. It is a university in the real sense of the term, whose doors are open to people of all climes and races, not only today but has been so for centuries. And people from the farthest reaches of China and South Africa have come there and received education.

Coming to the Aligarh Muslim University, what is the special Muslim characteristic applicable to it? And what is it that we exactly understand by the expression "Muslim University". Is there any physics called Muslim physics? Is there anything like "Muslim biology"? Or is there anything like Muslim Chemistry? What exactly is to be understood by this expression? I quite agree with my friend that today for various reasons the Mussalmans are unfortuntely, educationally backward. Among those reasons one, though not the chief, reason is the mistaken policy of the leaders of that community. When English education was introduced in the country, the Mussalmans did not at first take to it. They kept aloof. I can understand their psychology, I can sympathise with it. People who were in power were all on a sudden reduced to the position of subjects. People who had hitherto been accustomed to education through a particular medium suddenly found that medium changed. It caused a mental revulsion of feeling and they boycotted English education of the type taught. Sir, it is a psychology that is understandable, but not at all logically defensible or defensible from the point view of the interest of the community. The educational backwardness of the Mussalmans today is largely due to the fact that when European education was introduced into this country, the Mussalmans kept aloof. Ever since that time, we have been trying to make up the leeway. Attempts are being made in this direction. The object is common, namely, the provision of special facilities for the Mussalmans. This is an object to which I think not a single member of the House is opposed. Every one of the members here wants that all communities in India, and Mussalmans who form one of the major communities in India

and the majority community in Bengal, should not be educationally backward; they should be at least equal in educational standards with the other communities.

Today we live in the days of democracy. Democracy means the rule of the masses, of the people. If the masess are not educated, they cannot take a wider and broader outlook about the affairs which govern the relations between man and man. The whole country will suffer in such case. For the sake of his own interest, every Hindu should therefore support every measure which wants to advance Muslim education. Disraeli said long ago that now that democracy has come, we must educate our masters. Sir, that is the problem today. But how can we solve that problem by providing for a separate Muslim University, something which is a contradiction in terms, something which is plainly absurd and has never succeeded anywhere in the world?

I do not intend to say against any one of the recognised institutions in this country. At the same time, can anybody fail to notice the gradual and steady fall in the standard of education in those "separate" institutions? The slackness of discipline and general tone of educational atmosphere in those institutions? I would ask members to consider this point. We of course want to make up our leeway, but for this we must find out the reasons of the backwardness. What are the reasons—why are Muslims backward today? There are two or three main reasons but the first and foremost is poverty. In many cases the average Muslim student comes from an economic group which is financially much less prosperous than corresponding groups of other communities. That is particularly true in Bengal. What we want is advance of education and not the creation of a few more buildings at a huge cost and importation of a few professors of doubtful reputation. What we want is that the best Muslim students should get the wherewithal to prosecute their study.

There are so many problems. There are problems of lodging, there are problems of boarding, there are problems of suitable accommodation in the colleges where they will prosecute their study. These are problems which ought to be tackled first. Over and above, there are problems of financing the poor and brilliant students who for lack of funds cannot make any advance in their study. In Bengal Muslims are not unfavourably placed in the lower, middle or upper vernacular or even in the high schools. There they can hold their own. Only when they come to the college stage, do they find themselves in difficulties. It will be found that although the Muslim population is about 54 or 55 per cent. in Bengal, Muslim students in the colleges and in the university are very much lower in percentage. The main reason for this is the want of adequate finance.

We should go to the root of the disease and make education free and make it available to all. I take it that every member of this House—Muslims and Hindus—every one will agree that the country will prosper—the province will prosper with free education. I am sure every section of this House will agree with me that education should be free for all communities. It should be free for every meritorious student so that the State will get the benefit of his ability and merit and profit by it. It is not so much for the individual advantage of such brilliant students as for the advantage of the State that there should be sufficient financial help forthcoming for meritorious students of the Muslim and other communities.

Many brilliant Muslim students coming from poor families cannot complete their education. This is not only a loss to the Muslim community but it is a loss to the State. On account of want of financial backing, 58 per cent. of the people of Bengal cannot contribute their requisite quota, to the culture of the land. Their proportion in higher education would be a great help—a great asset to the State.

In my amendment I have asked for help to the Muslim community to make up their leeway in scientific and technical education by providing for

free tuition, boarding and lodging in medicine, agriculture, the sciences and technologies. These are all problems the nation must solve. We have not sufficient scope for meritorious students who have special gifts or qualifications. If they are given proper opportunity, they might be of great advantage to the country—they might be of great service to the country. Bengal, nay India would profit by the services of these brilliant students. I am not thinking of the benefit to the individual, or only to the community but to the country as a whole.

My honourable friend Mr. Nur Ahmed has referred to the reports of the Committees and Commissions which, unfortunately by the passage of time, have become obsolete. They have become out of date. The spirit of the time today demands technical education for the masses, facilities for medical education to the masses, facilities for agricultural education to the masses. You must provide for scientific progress. Then and then alone will there be true and real Muslim education in the province. The Mussalmans will be benefited by it and the province as a whole will be benefited by it.

A separate university means new buildings; you spend lakhs and lakhs of rupees over buildings which are of little use. It is our bitter experience —and when I say this my friends on the other side will agree with me, that there are people who talk of Madrassas but they themselves never send their children to the Madrassas—they are for other people's children and not for their own. That is the position not only of the Madrassas but also of other denominational institutions. These denominational institutions where boys of only one community are huddled together cannot have the necessary give and take that young people need. The spirit of co-operation, the atmosphere of freedom and comparative liberty from any kind of communal, personal, selfish and other interests are more present among the young than the old. If the children and young men of the different communities are put together, they pick up friendships which last to the end of their lives. In such atmosphere, you can hope to build a corporate body. This is of special importance to Bengal. Whatever happens elsewhere in India, in this province you cannot divide one community from the other. They are unescapably mixed with one another. Any question of division or partition is meaningless here. If we want a division, if we want your education to be separated, if we want your territories to be separate, we will arrive at a position which will be not only absurd and illogical, it will also be impracticable.

It is a strange irony of fate that at one time the Hindus of Bengal had been bitterly opposed to the partition of the province. Today there are certain sections of the Hindus who *want* partition. At one time, it was the Muslims or a section of them who fought for the partition of the province and now they are opposed to it. These are things which happen every day in politics. The political position of today may become nonsensical tomorrow. Honourable member of this House, to whichever party or side he may belong, should remember that in politics, we must always choose the least undesirable of the different alternatives. The best is often beyond our capacity. The worst we must avoid. It is absurd or foolish to take up a position from which you cannot withdraw or resile. We must never take up a position in which we cannot compromise. Experience shows that politics is a matter of continual compromise.

The resolution which has been moved in this House wants that education should be separate. Now, Sir, education cannot be separate, Philosophy cannot be separate, economics cannot be separate. The same law of diminishing return will apply to the money in the pocket of an Englishman, Scotchman, Mussalman or Hindu. If you are a shareholder, you will be affected if there is anything which will go against the Stock Exchange. If you are not a shareholder, you are not interested in the question at all.

Philosophy and economics cannot be divided on communal lines. If any one wants to divide them on communal lines he is just talking through his hat. It will fail to serve any community.

In my amendment I have proposed that meritorious students should have free education. Now, free education is also an ambiguous term. It would exempt you from tuition fees, but who would pay for the boarding and lodging and other things? If the student cannot stay in Calcutta, free education is of no use to him. My suggestion therefore is that for the really meritorious student, the State must provide everything. Those who are able, but not of the first rank, I have put in a different category. Stipends should be given to such students. For those who differentiate themselves from their fellow students by their merit and excellence, the State shall take the responsibility of their education and not only give them tuition fees but also provide for their boarding and lodging. The second category do not deserve the same assistance and in their case there should be special stipends and scholarships. This should be done on a purely educational basis. There are already two universities in Bengal. There is the Dacca University and the Calcutta University. If each of the universities is asked to nominate two educationists, and a Board is formed, these gentlemen will select the best possible students. Those who have come in the first class in the Matriculation Examination, i.e., those who get above 60 per cent. of marks, automatically come into the picture. In their case, there is no question of any selection Board. They select themselves, I should say. For cases where the candidates could not do well through some mischance, let us have a Board like this. After the Board has gone through the lists of candidates fit for special treatment and the selection is made, very little will be left necessary for the advancement of Muslim education in the province. You have laid the necessary foundation and you have given the proper direction; you have provided for every student whatever education he requires and that is the only method by which Muslim education in the province can be advanced.

I will draw the attention of the honourable the mover to a possible consequence, a possible danger of the suggestion which he has made. Let us for the sake of argument assume that a Muslim University is established. Well, some people already call the Dacca University a Muslim University. I do not know if that is correct or not. Similarly some people call the Calcutta University a Hindu University. I do not say anything about it; it may be true; it may be false. I am not going into that question of communalism here. This is a fact that there are two universities in Bengal and the Government of Bengal and the people's Government of Bengal have a control over both the universities. Eighty per cent. of the body of the senate of the Calcutta University is even today nominated by the Government. The Government therefore have a say in the affairs of the Calcutta University. They have not made any complaint against the University so far, I believe; and if now the Government although appointing 80 per cent. of the nominees, have any complaint against the Calcutta University, they have only themselves to thank; they cannot blame anybody else. Eighty per cent. of the nominations are controlled by the Government. If after controlling 80 per cent. of the nominations if the Government can come and say "we are helpless"; if the supporters of the Government come and say that they are helpless, God only can help them and I doubt if even God will help those who do not help themselves. You control 80 per cent. of the votes and yet you cannot control the university affairs. The same remarks apply to the Dacca University.

My own approach to the question is from a different angle, from a broader angle, I hope. A university, if it is to be a true university, cannot be a communal university. A communal university is a contradiction in terms and has always been a contradiction in terms. My honourable friend the mover of the resolution talked of the spirit and the tradition of Islam. What is that tradition? The tradition of Islam welcomed everybody. It never

raised any barriers; it broke down barriers and made knowledge available to everybody. It invited people from the farthest corners of the world; it sent out its own pupils, its own young men to every corner of the world to acquire knowledge wherever it could be acquired. Therefore the idea of a communal university, the type of university which my honourable friend has mentioned, is not a good idea; I think that is not what he actually wants. In his speech he made it clear that his only objective is to advance Muslim education in the province and to provide special facilities for Muslims because they are educationally backward and backward in other respects also.

With these objects, I think every member of this House will agree; every member of this House will agree that there should be special educational facilities provided to members of this majority community so that they may be raised to a higher level economically, politically and culturally. The Muslims of Bengal have not contributed their proper quota to the culture of the province and today because of that fact Bengal is poorer, the Hindus of Bengal are poorer. Every man of good intentions will admit that special educational facilities should be given to the Muslims but they can be given only along the lines that I have indicated whereas the path which my honourable friend the mover has suggested is a path which will lead to a quagmire, which will lead to destruction and retardation of Muslim education. Muslims have much leeway to make in the field of education because of their mistakes in the past. Today those who have power in their hands, those who exercise responsibility, they must know that if again they make mistakes the community will not forgive them a second time.

**Mr. DEPUTY PRESIDENT:** Amendment moved that for the words beginning with "found a Muslim University in Bengal" and ending with "for that purpose", the following be substituted, viz.:—

"secure the advancement of Muslim education in Bengal specally with a view to enable the Muslim community to make up their leeway in scientific and technical education by providing for free tuition, boarding and lodging in medicine, agriculture, the sciences and technologies for all meritorious students who secure more than 60 per cent. marks in the Matriculation Examination of the Calcutta University or the Board of Intermediate Studies, Dacca, and the grant of suitable stipends and scholarships to other deserving students selected on the recommendations of a Board composed of two educationists nominated by each of the Universities of Calcutta and Dacca."

**Mr. LALIT CHANDRA DAS:** Sir, while I have every sympathy for the amendment which has been moved by my friend Mr. Kabir—

**Mr. ABDULLAH-AL-MAHMUD:** Sir, may I enquire how long you are going to continue this subject, because it has been found that the mover of the resolution as well as of the amendment were given almost half-an-hour each and more than that. Therefore those who support the resolution and those who oppose it would like to get an idea of the time they will be allowed to give their views. So let us understand the time that will be allotted for each speaker.

**Mr. DEPUTY PRESIDENT:** Fifteen minutes.

**Mr. LALIT CHANDRA DAS:** Fifteen minutes only? However, Sir, as you have already fixed the time limit it is not for me to express an opinion on it. My friend opposite seems very anxious to finish the discussion today but it is an important subject and every member should be given facilities of expressing his views, taking as much time as he likes. There is no hurry to arrive at a decision. But as, Sir, you have given your decision fixing a time limit I do not say anything about it.

I have no hesitation in extending my sympathy to the amendment moved by my friend Mr. Humayun Kabir. But I rise to record my emphatic protest against the main resolution moved by Mr. Nur Ahmed. To my

mind, Sir, his intention is not at all obscure. His intention is to establish a communal Universtiy on the lines of the Aligarh Muslim University. That is his intention and with that view he has moved his motion for founding a Muslim University in Bengal. With regard to the amendment I would just say a few words in support before I turn again to the main resolution. My friend Mr. Kabir was not here for a long time and he is perhaps not aware that Government has already taken steps to secure the advancement of Muslim education in Bengal by creating a permanent fund for this year with a sum of ten lakhs for the purpose of giving scholarships to meritorious Muslim students, and again after getting the vote passed the Hon'ble the Chief Minister had been to Rajshahi where he made a speech and there he declared that next year this fund would rise to 15 lakhs particularly for facility of advancement of education of Muhammadan students. Now, Sir, we can only hope that when meritorious students will be found among other communities, say, belonging to the scheduled castes or even to the caste Hindus they also will receive adequate assistance; and in respect of poor students and whose guardians cannot pay their educational expense, Government will see to it that they also get educational facilities for conducting their education in colleges. It is certainly a commendable amendment and we certainly have sympathy for it.

With regard to the main resolution I desire to say this that my friend Mr. Nur Ahmed has already forgotten that a tremendous transformation is ahead. Fifteen months hence each and every one of us expects that there will be a new constitution and we do not know what will happen in the course of the next 12 months and yet in face of this political picture before us I do not understand why he should bring forward a proposal for founding a Muslim University, which will require a mint of money and then again at a time when the Muslim League is in power in Bengal. I think, Sir, I do not exaggerate when I say that there is no democratic Government in Bengal—it is a communal Government. Sir, I understand the anxiety of my friends on the other side; I understand why they are anxious that there should be a time limit put in making speeches. They simply want to rush this resolution through. Well, they can do so through the brute majority at their command. But at the same time it would be immoral to have a University like this with the help of your brute majority. It is a fact that the minority in Bengal forms 45 per cent. of the population and we all know also that this minority contributes at least 70 per cent. of the receipts of the province.....(Mr. ABDULLA-AL-MAHMOOD: Where do you get it?).....Get the actual fact and then question. Now, Sir, 45 per cent. of the population contribute 70 per cent. of the receipts of the province—this is the position—and by sheer brute majority they want to rush it through: they want to establish a Muslim League University. The Calcutta University which is the biggest University and the only University recognised throughout the world, as you all know, Sir, has various big departments of Islamic learning and culture in India and these departments can really satisfy the Muslims in every way. For example there is provision there for teaching Islamic law and culture and History and whatever they would like to know about Islam there is provision there in those departments of the University. But I do not know why my friends instead of taking advantage of these departments of the University want to have a separate University of their own. A separate University will serve the purpose of communalism. If they really want a separate University let them develop the Dacca University. But at the present moment to form a separate University has many disadvantages. Sir, after the partition was anulled the Dacca University was offered to Muslims and we want to know how far they have utilised that University to their advantage. Even now they can extend the Dacca University according to their own choice, Government having full say in the matter. Why should they want a separate University of their own in spite of this? I have heard Mr. Nur Ahmed quoting figures regarding the progress of Muslim students. Those

figures are really condemning the Resolution itself. The educational progress which the Muslims have made do not warrant for establishment of a separate University. They cannot claim a separate communal University. We know as a matter of fact, that the Muslim League Government is keen on having a communal University. There is a proposal to acquire a vast piece of land in the neighbourhood of Calcutta. About 2,000 bighas of land are going to be acquired for that purpose. Behind this move we suspect there is an attempt at turning out Muslim graduates galore for Government services——I mean the Muslim University if and when it comes will grant cheap diplomas to help the students to get to Government service. Education will deteriorate. If it is so, it will be highly regrettable. All I say is that we have enough of communalism in this country. This proposed Muslim University will bring forth students who will have set ideas which, I am afraid, will be bound to prove a source of great danger to the peace and tranquillity and law and order of this province. As an instance in point, and a reference has already been made to the students of the Aligarh University, I may say that the students of that University insulted Maulana Azad while he was passing by the Aligarh station and why because Maulana Azad holds a different political views. Then again, rightly or wrongly it is said that the Dacca University is under the control of the Muslim students. Sir Mirza Ismail was invited by the Vice-Chancellor of the Dacca University to deliver the Convocation Address and he was insulted by the students of the Dacca University for no other reason than that he was a Nationalist and not a Leaguer. These students also insulted the lady students of that institution when they were out to celebrate some social functions. So, I say these communal Universities will generate students of a type who will prove a danger to the peace and tranquillity and law and order of the province. I have the strongest objection for an institution like this.

Lastly, we know that the Government of Bengal is almost a bankrupt. We know that as a matter of fact in the current year there is a deficit of Rs.13 crores and for the next year, i.e., 1947-48, the deficit anticipated is 12 crores and altogether in two years—Rs. 25 crores to be exact. In order to tide over this difficulty, the Government of Bengal approached the Government of India for subvention but for aught we know that prayer for a subvention has been refused. I wonder why knowing all these facts my friends on the opposite sides want to have it by brute majority of votes.

**Mr. ABDULLA-AL-MAHMUD:** Mr. Deputy President, Sir, I rise to lend my wholehearted support to the resolution that has been so ably moved by my friend Mr. Nur Ahmed. Necessarily, my arguments are all against the amendment that has been moved by Professor Humayun Kabir. The passages that have been referred to by Mr. Nur Ahmed from various reports, the percentage of education, the facilities offered to the Muslim children have been lucidly stated by him on the floor of this House and the Muslims of Bengal have for a long time been keenly feeling the necessity of establishing a Muslim University. Now, Sir, let us understand what is the objection in having a Muslim University established in Bengal. Mr. Humayun Kabir wants us to forget our own tradition and culture. Mr. Kabir wants us to believe that the establishment of a Muslim University will mean the establishment or building of huge buldings without having any specific purpose for the Muslim education. I would just remind him as he knows more than anybody else do know whether the Muslims produced the best economists, mathematicians, scientists, poets in the ages when others were enveloped in perpetual darkness. Philosophers as well. Even today if they are given sufficient facilities, if they get sufficient scope, I think they will be able to compete with any nation or anybody in the open field. The Muslims, Mr. Kabir said, committed a blunder from the very beginning and that they kept themselves aloof when the British Government introduced this English on the soil of India. But who is responsible for it? Did the Muslims of their own accord keep themselves aloof or keep their children aloof from the

education which was so much coveted and which they really yearned for. They in ancient times gained reputation throughout the whole world and foreign writers including the English writers have mentioned that the whole of Europe would have been enveloped in perpetual darkness but for Muslim education and for Muslim civilization. Professor Humayun Kabir wants us to believe that this building will be constructed without serving any specific purpose for the Muslim education. Now let us understand the situation. There is the Calcutta University and the Dacca University. He said that the Dacca University was meant to be a Muslim University. I do not agree with his views that the Dacca University was meant to be a Muslim University, these universities though they might be a little more accommodating, only the Dacca University was a little more accommodating in the case of Muslim boys than the Calcutta University. He has told us that when 80 per cent. of the nominations to the body of the Senate of the Calcutta University is done by the Government and yet the Calcutta University is treated as a Hindu University the blame is entirely on the Government and not on anybody else. But let us not forget how the day to day administration is run there. I think he has been in the Senate for a long time. He has seen how the administration of the Calcutta University is being run since its establishment; how many Muslim students have been given special facilities for higher education, given special scholarships and other things; whether there was ample scope even for the Muslim boys to have their education in the way and in the sense their own religion enjoins. I therefore think that, if any of my friends opposite thinks or many of them believe that the establishment of a Muslim educational institution, I mean the establishment of a Muslim University, will only widen the gulf of communal feelings or differences between the two communities, that is an absolutely mistaken idea. Everybody, whether he is a Hindu or a Muslim, must first of all try to understand his own religion, his own culture, his own civilization, and then only he should try to understand what others say, what others have got to say. Unless and until he is in a position to know what his religion says or what his culture is, what his traditions are, what is his position in the whole world and in the field of education, I think his outlook will not be widened and broadened in the manner my honourable friend Mr. Humayun Kabir suggests. His arguments were almost based on the lines of the arguments advanced by Moulana Abul Kalam Azad. I think, Sir, it has been his own practical experience and that of everybody that the political atmosphere throughout the whole of India, nay throughout the whole world, has been surcharged and has been vitiated with the idea that every nation wants to predominate over the other. We Muslims do not like to predominate the Hindus, who in Bengal form 45 per cent. of the population. But we do not like the whole administration as it is being run today although there is a Ministry (the Muslim League Ministry as it is called) but I think it will be a mistake to believe that the Muslims of Bengal have done anything detrimental to the interests of the other communities. If I get time I will try to show, I would like to move another resolution today, how in spite of the fact that a Muslim League Ministry is here, they have in many cases failed or they have appeased my Muslim friends in order to satisfy them. Therefore, Sir, I think the establishment of a Muslim University, though on its language it might be argued that non-Muslim institutions might be jeopardised or prejudiced by the interests of the majority as a whole, I think this is an absolutely mistaken idea. My friend Mr. Das says that the ministerial party can have the resolution passed by a brute majority. Well, Sir, brute majority indeed! look at the centre and the other seven provinces and let him not forget what other provinces are doing. Every piece of legislation must be passed by a majority of 49 to 51 or even 18 to 82. Therefore his argument about a brute majority is not quite appropriate and he has tried to create bitterness by introducing a communal issue and question in the matter. We from this side of the House do not look at this matter from this angle of vision. We say that if the Muslims were in a position long ago to govern and also

to teach by their education the whole world, not to speak the non-Muslim Bengalee alone, or India alone, why today they should be put to such abjection? Therefore my submission is that the resolution moved by my friend Mr. Nur Ahmed has been moved only with a view to give the Mussalmans more facilities and to give them absolute facilities for their own culture, for their own traditions imparted to them and by their own men who are learned in the sphere of education. With these few words I support the resolution.

**Mr. SYED BADRUDDOJA:** Mr. President, Sir, when I entered the Chamber today, I was definitely under the impression that there should be no controversy on a simple proposition, namely, the establishment of a Muslim University in Bengal. As a matter of fact, in the course of the budget discussion I definitely made a complaint against the present Government of Bengal in not having made any provision in the budget for purchase of a plot of land to serve as a nucleus for the formation of a Muslim University in Bengal. But I am rather suprised to find that my esteemed friend Mr. Humayun Kabir would be introducing certain things which are not at all controversial in character but which might as well be provided for in any Muslim University. We are not against the improvement of the condition of Mussalmans in any sphere of life. We want to provide for the development of Mussalmans in every walk of life, in every sphere of activity and in every domain of thought. That is what we aim at. But our approach to the problem is slightly different and we deeply appreciate the observations of the learned Leader of the Opposition that while the Muslims should be given or provided with all facilities for educational expansion in Bengal, the minority communities should also have opportunities for self-expression, self-edification and self-development in every possible sphere of life. Sir, my friend will not dispute the proposition that Muslims have a distinct culture of their own. As a matter of fact Islam has given a new orientation, created a new phase of thought, a new angle of vision, has given a new direction to human tendencies and aspirations, a new conception of human life and destiny, altogether new values of things and an entirely new interpretation of the aim and end of existence. It has given an idiology and culture distinct and separate from all other systems of culture that have prevailed in the world. Islam has given us a civilization, created an outlook which is quite consistent with the progressive tendencies of a fast advancing community, compatible with the growth and evolution of culture in all its glory and beauty. That is the contribution of Islam to the cultural heritage of mankind throughout ages. In Islam's definition of culture enlightenment of the heart has been stated to be its essence, truth its principal object, inspiration its guide, God its inspirer and the words of man its utterer.

In other words our heart must be chastened, must be purified, must be purged of all dross, so that the stream of truth, the stream of justice, the stream of magnanimity, the stream of generosity, the stream of friendship, the stream of fraternity, the stream of brotherhood, the stream of freedom may flow on in its pristine purity. The Islamic culture in its comprehensiveness welcomes all classes and communities in the world. It has the combination of social, the individual, the material, spiritual, communal, national and international aspects of human life and it fosters the growth of real fraternity and patriotism in human society. With this culture there will grow a genuine aspiration for progress, a tendency to rebuild the world, to reshape it, to remould it and to reintegrate its dying forces towards the track of social, moral and political evolution. But the entire Islamic culture, is a distinct culture. There is a distinct culture for every nation, for every class and community. There is a distinct culture for the Hindus, there is a distinct culture for the Muslims and there is a distinct culture for the Germans, there is a distinct culture for the English people and there is a distinct culture for the French—all of them have their distinct cultures. Before the advent of Islam in Persia the Persians had a civilization hoary with ages, though most of their centres of culture had been destroyed after

the conquest of Alexander the Great. Persia was just bleeding from the wounds inflicted on her soul when Islam appeared on the scene. Its appearance changed the entire atmosphere, revolutionised not merely its thoughts and ideas, but also its language and religion and transformed its culture and civilization in the most wonderful fashion. It is only after the advent of Islam that we hear of the names of Hafiz, Omar Khayyam, Sadi, Anwari, Rumi, Jami, Khaquani and Quani, that briliant galaxy of stars that has shed an ineffable lusture on the literary firmament of Persia raising Persia and Persian civilization in the estimation of the whole civilized world. Islam and its cultural heritage is a legacy for the entire human race. The reform movements of the 15th and 16th centuries, the movements of Dadu Nanak and Chaitynna felt the impulse of Islam and the great movement initiated by Raja Rammohan Roy directly or indirectly derived inspiration from this great fount of thought. Islam has not merely paved the way for Renaissance and Reformation in Europe but has also directly or indirectly influenced all the socio-religious movements in the world that have followed it. I agree with my friend Professor Kabir that we want a natural atmosphere for the spontaneous growth of our genius cut off from the real sap of the soil. Our plastic impressionable children cannot grow and expand to the full stature of their manhood, the height of their genius. In this connection I am reminded of the memorable words of a great thinker Emerson. "Be thyself—do not imitate—every heart vibrates to that string. Because no kernel of nourishing cores can come to you save by tilling that particular plot of land which is furnished you by Province. I therefore, plead for a natural atmosphere for the growth of our culture—a natural soil for the growth of the genuine aspirations of our children—a real setting—a background against which the magnificent srtucture of our glorious culture and traditions may again be reared up. In this natural atmosphere we have produced scholars of encyclopœdic range—like Aircema and Averros (Babu Ali Sina, Alne Rusho) those characters in human history—who are at once a pride and honour of the entire human race. I have no complaint against the Calcutta University. I am myself a product of the Calcutta University. I must not be ungrateful to that University. I drew my inspiration from that University. It is far from me to say anything against this University which has a cultural heritage of its own. It is far from me to encroach upon the cultural heritage, the rights and privileges of any other community in India. As regards the Hindus, I have always admitted that for the last 100 years they have built, a magnificent structure of culture to which the Muslims also could contribute but for certain circumstances, for certain political cataclysms, over which we had no control. Sir, political cataclysms after cataclysms dragged Moslems down from the height of glory and eminence, politically, economically and socially. In one or two generations they were removed from all positions of trust and responsibility. It is only for the last 25 years that they are making some leeway. The proverty of Muslims is certainly responsible but then character is still more responsible for this degeneration. My friend has stated that if the money is provided for the establishment of a Muslim University, that will be used for buildings only. Now, Sir, we have a peculiar character, a peculiar culture, a peculiar tradition, a peculiar ideal, and a peculiar angle of vision. Sir, I have forgotten to mention one fact, viz., the example of Hindi and Urdu languages in India. These two languages took their start from the same source, but owing to different traditions different political and cultural associations, different outlooks on life and life's problems, owing to different surroundings they have become two entirely different languages, Hindi is permeated with Hindu thoughts and associations and Urdu with Islamic thoughts, culture, ideologies and traditions. What I have suggested is that we want a Muslim University for the largest population of this land. They have been so long for natural growth and evolution deprived of all facilities and opportunities by the British Government. The British Government had a policy not merely to crush the Muslims politically, they had chosen to make inroads on the Muslim culture and traditions as

well. Up to now not a single Madrassah has been able to turn out a famous Muslim. Sir, I have deep appreciation, regard and admiration for Moulana Abul Kalam Azad, though he belongs to a different party, for his contribution to human culture, his deep education and scholarship. My friends will also admit that Maulana Azad also is a product of a Muslim institution. He was not nurtured in the Calcutta, Oxford or Cambridge University. Sir, if we have a Muslim University, does it suggest for a single moment that simply because it is a Muslim University no other community will be entitled to go there for learning. Sir, any student can go to Al Hajar, which is a Muslim institution and read there. Does not my friend remember that during the middle ages students from various parts of Europe flocked to the centres of Muslim culture and learing more specially in the cities and towns of spain. In the Benares Hindu University, the Aligarh Muslim University students of both the communities also read. Though we have been returned on separate electorate, we are all mixed up here, working for the common welfare of the people. Sir, we have very often pretended to speak of nationalism, but actually in the sphere of life we do not see any sign of it. As for instance no Muhammadan has been elected Chairman in any West Bengal municipality or district board except perhaps through nomination or for the matter of that no Hindu has been elected a Chairman in any East Bengal district board. This shows which way the wind blows. I do not understand how a protest can be made to the Muslims having university of their own. The Muslims have a culture, a tradition, an ideology, an outlook, which is distinct and separate from all other civilisations of the world. No sensible man in the world will dispute this. While discussing one day in a particular conference I had to join issue with a friend of mine. Professor Humayun Kabir will appreciate my remark when I say that all religion, all culture, may be the same as exactly all men are the same in the beginning in as much as they take their origin from the source and partake of the same essence. They are generally the same in the beginning but they develop specific and distinctive tendencies as they unfold themselves in the process of evolution. All streams of culture, all currents of thought, all the constructive forces of civilization, all the systems that have prevailed in the world from time immemorial have changed the outlook of human society and have contributed to cultural, social and political evolution of all humanity. One common source is there and the difference lies not in the beginning, but in the process of evolution and also at the end. One man is a saint, another an ordinary man and a third a rascal although these different men are generically the same, but yet owing to different cultural traditions, different associations, different outlooks, different surroundings, geographical, political, social, cultural, moral and intellectual, they have developed into two entirely different beings and these differences contribute to moulding of an individual or a nation in every sphere of life, every domain of thought, whether political, social, cultural, moral, national and international. We find that these forces operate from different directions. As poet Rabindranath Tagore has rightly observed the stream of life which is flowing on through all eternity is contributing to the development of every single being. Each distinctive culture, each distinctive civilization, each distinctive society, each distinctive outlook, each distinctive system of thought has contributed to the building up of the composite whole. As the human system is an organism composed of all various organs, each organ contributing to the growth of the whole system and the organs in its turn determining the growth of individual organs. So also different nations have at different times contributed to the civilization of the whole world and have themselves derived inspiration from various currents of thought that had developed in the past in the various regions of the globe, some of these streams of thought have in course of time become stagnant and ceased to flow, while others have flowed on, soothing and refreshing the world as they have flowed on. Therefore in the name of civilisation, in the name of culture, in the name of humanity, and in the name of all that is sublime and noble in human society no obstacle

should be placed in the path of any nation to develop their culture, their civilisation, their glorious traditions and it is time therefore that none should create unnecessary troubles, unnecessary obstacles in the path of the development of a nation's distinctive culture. Let each culture and let each civilization develop on its own lines. Let each one contribute to the composite whole. So all that I submit and plead for is, let the Muslims have facilities for their cultural expansion, for their expansion in industries, in agriculture and in scientific students. They have got to revive the magnificent traditions, the contributions that we have made so long to the Art, Architecture, Music, Painting, Philosophy, polity of the entire civilized world, the contributions that the Muslims made during the Middle ages when the whole of Europe was sunk in darkness of ignorance and feudalism, let us help them to develop that lost heritage. There is nothing communal in it, there is nothing parochial, there is nothing sectional, there is nothing ante-national in it. It will be consistent with the ordered progress of human society, compatible with the growth and evolution of human culture. The prosperity of a country, as Luther has rightly pointed out, consists not in magnificent buildings, not in fabulous wealth, not in favourable dissipations, not in midnight orgies, not in mild sensations of the Ballroom, not in foolish talk, not in parochial patriotism but in its men of education and culture, their catholicity of outlook, their integrity of character, honesty of purpose. Let human society be raised from the chaotic condition in which exists, let a new order of things be brought into being, let us play our part, in the shape of things to come which will redound to our credit, let Hindus and Muslims be proud of our culture and let us develop it. Let the Muslims go forward as India unfolds its glory before us and let us move from strength to strength. I have pondered and pondered over and over again over the conflicting interests of human society, over the controversies going on between one community and another and I have always pleaded for a better understanding, a deeper reconciliation. Even from this forum I am pleading for that understanding to solve the eternal problems of our life by our contributions in the field of science, philosophy, culture and politics. Providence has entrusted to each one of us a mission of Age—each one has got to fulfil the purpose for which he has been sent. Each one of us belonging to the same faith has also different tendency from the other. Professor Kabir and Badrudduja represent two different tendencies. Kabir and Badruddoja represent two different tendencies, two different aspirations in life; one perhaps wants to be a musician, the second a painter, the third an architect or philosopher, and the fourth a statesman, and every one of them will make his own contribution to the totality of human history and knowledge according to his own light and conviction. Sir, in this connection I am reminded of the following expression from the Holy Quran—"We do not burden a soul except beyond its own capacity". Each one has got to develop his potentiality, his possibility, to the highest scale of civilisation, so that the whole world may be enriched by the extent of his individual contribution not merely to his own society or nationality but to the entire human race in whatever place or part of the world he might exist. Mussalmans have got to develop their distinctive culture, their distinctive tendencies, and to make their distinctive contributions to the social, the cultural the moral evolution of mankind as much as the Hindus have got to do so.

## Public Accounts Committee.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Sir, with your permission may I have a special Resolution——

**Mr. PRESIDENT:** Order, order. If it is the pleasure of the House to take up the Privilege Motion regarding the Public Accounts Committee, it may be done now. I would then suspend the motion now before the House and take up this matter. Is it the general desire of the House? (Cries of "yes", yes"). All right. Will the Hon'ble Leader of the House now move the motion?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Sir, I beg to move that the Appropriation Accounts for 1944-45 and the Audit Report for 1946 and the Finance Accounts for 1944-45 and the Audit Report, 1945, which were laid before the Council under section 169 of the Government of India Act, 1935, on the 14th March, 1947, be referred to a Committee of Public Accounts of the Council consisting of—

The Hon'ble Mr. Mohammed Ali, Minister in charge of the Department of Finance, *Chairman*,

Mr. Abdul Hamid Chowdhury,

Mr. Lalit Chandra Das,

Mr. George Morgan,

Mr. Haridas Mazumdar,

Mr. Hamidul Huq Chowdhury,

Mr. Shahoodul Huq,

Mr. Biren Roy, and

Mr. Taufiq,

with instructions to submit their report by the 1st of July, 1947, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

I commend this resolution to the acceptance of the House

**Mr. PRESIDENT:** The question before the House is that——

**Mr. LALIT CHANDRA DAS:** Sir, I support this motion.

**Mr. PRESIDENT:** The question before the House is that the Appropriation Accounts for 1944-45 and the Audit Report for 1946 and the Finance Accounts for 1944-45 and the Audit Report for 1945 which were laid before the Council under section 169 of the Government of India Act, 1935, on the 14th March 1947, be referred to a Committee of Public Accounts of this Council consisting of:—

(1) The Hon'ble Mr. Mohammed Ali, Minister in charge of Finance Department, *Chairman*.

(2) Mr. Abdul Hamid Chowdhury,

(3) Mr. Lalit Chandra Das,

(4) Mr. George Morgan,

(5) Mr. Haridas Mazumdar,

(6) Mr. Hamidul Huq Chowdhury,

(7) Mr. Shahoodul Huq,

(8) Mr. Biren Roy,

(9) Mr. Md. Taufiq,

with instruction to submit their report by the 1st of July, 1947, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

The motion was put and agreed to.

## Non-official Resolutions.

**Mr. PRESIDENT:** Let us now resume discussion on the non-official resolution. Mr. Sanyal.

**Mr. CHARU CHANDRA SANYAL:** Sir, I rise to oppose the resolution moved by Mr. Nur Ahmed. Of course, Sir, the speech that has been made before me has made me shaky, still when the grim tension between the

major community of Bengal and the minority community is showing signs of raking up, when the minorities of Bengal are feeling that they are being neglected, a resolution like this should not have been brought before the Council. It is true that the majority community although greater in number numerically are comparatively weaker in education and may ask for better facilities for education, but what class forms the majority portion of this major community? It is the poor men living in the villages. It is they who are in more need of education—the light of modern education may be extended to them as quickly as possible to make them socially and politically conscious, instead of diverting the entire attention to the education of the masses, the question of the education of children of moneyed and propertied men is being pushed to the foretront with the object of side-tracking that great task ahead. The other day the Finance Minister on the floor of this House sought to shelve the main question of grant to the Calcutta University for Scientific Research exactly on similar consideration— —

**Mr. PRESIDENT:** Mr. Sanyal, how long you will take to finish?

**Mr. CHARU CHANDRA SANYAL:** Probably 6 or 7 minutes more.

**Mr. PRESIDENT:** In that case let us stop here.

**Mr. NUR AHMED:** Sir, I have got two formal motions to move, asking for time.

**Mr. PRESIDENT:** All right,

**Mr. NUR AHMED:** Sir, I beg to move that the time for submitting the report of the Select Committee on the Eastern Bengal and Assam Disorderly House (Amendment) Bill, 1940, be extended to 31st October, 1947. I also beg to move that the time for submitting the report of the Select Committee on the Bengal Indecent Advertisement Bill, 1940, be extended to 30th August, 1947.

**Mr. PRESIDENT:** Is it the pleasure of the House to grant Mr. Nur Ahmed permission to extend the time of these two Bills?

**Mr. LALIT CHANDRA DAS:** Yes.

**Mr. NUR AHMED:** What about the resolution under discussion?

**Mr. PRESIDENT:** It is postponed: further discussion will take place later. The House is adjourned till 1-45 p.m. on Monday next.

## Adjournment.

The Council then adjourned till 1-45 p.m. on Monday, the 24th March, 1947.

**Members absent.**

The following members were absent from the meeting held on the 21st March, 1947:—

(1) Mr. L. P. S. Bourne,
(2) Mr. Kamini Kumar Dutta,
(3) Mr. Eric Dermot Doyne,
(4) Khan Bahadur Fazal Ellahi,
(5) The Hon'ble Mr. Abdul Gofran,
(6) Sir Md. Azizul Haque, Khan Bahadur,
(7) Mr. Mangturam Jaipuria,
(8) Alhadj Khan Bahadur Shaikh Muhammad Jan,
(9) Mr. Sed Abdul Majid,
(10) Mr. Nagendra Nath Mahalanobish,
(11) Mr. T. B. Nimmo,
(12) Dr. Kumud Sankar Ray,
(13) Mr. Md. Taufiq, and
(14) Khan Sahib Maulvi Wahidduzzaman.

WBGP-48/9-1165A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947—No. 23.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 24th March, 1947, at 1-45 p.m. being the twenty-third day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

### Obituary Reference.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, may I with your leave move a motion. It is my regret to place before this House a motion like this for its acceptance.

This Council places on record its deep sense of sorrow and loss at the demise of Dr. Md. Azizul Haque, a sitting Member of this House, who in the course of his eventful life was a Minister of the Government of Bengal, Speaker of the Bengal Legislative Assembly, Vice-Chancellor of the Calcutta University, High Commissioner for India in London, and a Member of the Governor-General's Executive Council. He was an erudite scholar, a ceaseless worker, a man of unfailing courtesy who rose to great eminence through sheer strength of character, merit and industry. In his death the country has lost a statesman of liberal outlook and culture.

Sir, Dr. Md. Azizul Haque whom we saw only the other day sitting amongst us and who helped us from time to time with his experience and his wisdom has passed away. His death was sudden and calamitous and came as a shock to many of his friends. There are many of us here, Sir, who had the privilege of knowing him from the time when he came from Santipur to Calcutta. Coming from the rural areas he had a wide knowledge of the needs and requirements of the rural people and some of his books on the subject particularly "The Man Behind the Plough" evince his deep sympathy for the rural population and his concern for their betterment. Sir, his death came as a grievous shock to us more particularly because it was so sudden and it is not possible indeed to express adequately our sense of loss at his demise. I place this resolution, Sir, in your hands. We feel that a great man has passed away from amongst us and has left a gap which cannot be filled by any one particularly, at this critical moment in our political history. We are certain, Sir, that, had God spared him, he would have been of the greatest asset to the country but, as He has willed otherwise, we have to submit to that fate and that is all, Sir, that we have to say. The loss sustained by us is too great indeed for words.

**Mr. PRESIDENT:** Motion moved that this Council places on record its deep sense of sorrow and loss at the demise of Dr. Md. Azizul Haque, a sitting Member of this House who, in the course of his eventful life, was a Minister of the Government of Bengal, Speaker of the Bengal Legislative Assembly, Vice-Chancellor of the Calcutta University, High Commissioner for India in London, and a Member of the Governor-General's Executive Council. He was an erudite scholar, a ceaseless worker, a man of unfailing courtesy, who rose to great eminence through sheer strength of character, merit and industry. In his death the country has lost a statesman of liberal outlook and culture.

**Mr. LALIT CHANDRA DAS:** Mr. President, Sir, I would associate myself and the members of my party with the expression of condolence made by the Chief Minister of Bengal on the death of Dr. Md. Azizul Haque. Sir, it was only the other day, I think it was on Friday week before last, that we found him in our midst taking part on a certain motion which I had the honour to make in this House, a motion for reference to a Committee the Public Accounts namely the Appropriation Accounts with the Auditor's report thereon which were placed on the table by the Hon'ble the Finance Minister on that day. Sir, we saw him bubbling with energy and in sparkling strength and we little thought that his end would be so near. His death reminds us that we are living in the midst of death and when death comes none can stay its hand. Sir, we know the services which have been recounted in this resolution by the Hon'ble the Chief Minister in the scene of his life drama which has been unfolded. He acted his part exceedingly well. Sir, I would like to add one word more namely that in his memory we should adjourn this House and rise for the day.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Sir, on behalf of myself and on behalf of the party I represent in this House I associate myself with all that has fallen from the mouth of the Chief Minister. Dr. Md. Azizul Haque was an acquisition to this House as a member. He was a man of great personality and he was a noble son of Bengal for which the whole of Bengal can be rightly proud of. He was an all-India figure and a man of versatile ability and through sheer merit he had risen to the highest eminence. His loss is a great loss to Bengal and I think it cannot be filled up within a short time. We only hope that his soul will rest in peace.

With these words I support the motion which has been moved by the Chief Minister.

**Mr. HARIDAS MAZUMDAR:** Sir, on behalf of myself and on behalf of my party I associate myself with the spirit and letter of the motion moved by the Hon'ble the Chief Minister. Sir, in the death of Dr. Md. Azizul Haque I have lost a personal friend. We were friends for a long time. I remember in 1933 when a private training college wanted affiliation with the Calcutta University under my efforts that proposal was turned down by Government and he was the Minister at that time. Although there were differences of opinion our relations were all cordial. He was a real Bengali gentleman. We have lost a leader of Bengal of great simplicity. His touch, his sympathy with the peasants and rural Bengal were known to everybody, and in him we have lost a great political figure. Bengal has lost a leader and I associate myself entirely with the resolution so ably moved and also with what has fallen from the lips of the previous speakers.

**Mr. GEORGE MORGAN:** Mr. President, this is a great tragedy which has befallen us in Bengal. I personally knew Dr. Azizul Haque for very many years indeed and had a very high regard for his ability, both as a Minister of this Province and as a Commerce Member of the Viceroy's Executive Council. So, on behalf of the European party I cannot refrain from expressing our grief on the loss of the late Dr. Azizul Haque, one of Bengal's ornaments and brilliant sons. In this House we always respected him, his moderate views and considerate attitude and his determination in all subjects regarding the welfare of the province and of this country. All he had, his energy, his ability, he gave in the cause of his people. With this we honour the memory of one whose disfranchised spirit will long hover in this Legislature. Beyond this I have suffered a personal loss. I have suffered a great personal loss because I had a very close contact with him in many matters in his career as Minister and as Member of the Governor-General's Executive Council.

**Mr. PRESIDENT:** Order, order. Honourable members of the House, it is with a heavy heart that I rise to associate myself with the expression

of grief of this House in the loss it has sustained by the death of one of its most distinguished members. Dr. Azizul Haque has passed away with tragic suddenness. Only on Wednesday last he attended the meeting of this House and was apparently in sound health. You can well imagine the shock and the surprise that I received when at 11-30 that very night I got a telephonic message to the effect that he had cerebral hæmorrhage and that he had lost consciousness. He was one of those who never spared himself in the service of his country. Whether as Vice-Chairman of the District Board of Nadia, as a Member of the Bengal Legislative Council, as Minister of this Province, as Vice-Chancellor of Calcutta University, as High Commissioner for India in London, or a Member of the Governor-General's Executive Council, he gave a very good account of himself and discharged his onerous responsibilities with courage and devotion. In fact industry and devotion to duty were the keynotes of his character and the motto of his life. He attained success through sheer perseverance and industry. He made a special study of some of our rural problems and as the Chief Minister has just observed, and had deep sympathy for the toiling millions of this province. Dr. Azizul Haque was a great believer in Hindu Muslim unity and even in these dark days he was optimistic of the solution of this national problem. In his death the country has lost a sagacious statesman, a great patriot and a man of culture and wide outlook. I take it that it is the unanimous desire of the House that the Resolution which has been moved by the Chief Minister should be accepted.

Now, gentlemen, I would request you to rise in your seats as a mark of respect to the memory of the deceased.

(After the members rose in their seats.)

I also take it that it is the desire of the House that a message of sympathy and condolence should be sent to the members of the bereaved family and that we adjourn after this and that the office of the Bengal Legislative Council should also remain closed as a mark of respect to the memory of the deceased.

It has been suggested that we should meet at 1-15 p.m. tomorrow.

**Mr. LALIT CHANDRA DAS:** Only for tomorrow.

**Mr. PRESIDENT:** Yes.

**Mr. LALIT CHANDRA DAS:** And sit for two hours.

**Mr. PRESIDENT:** Yes. The House stands adjourned till 1-15 p.m. tomorrow.

## Adjournment.

The Council then adjourned till 1-15 p.m. on Tuesday, the 25th March, 1947.

**Members absent.**

The following members were absent from the meeting of the Council held on the 24th March, 1947:—

(1) Mr. L. P. S. Bourne.
(2) Mr. Yusuf Ali Chowdhury.
(3) Dr. Kasiuddin Talukdar.
(4) Mr. Kamini Kumar Dutta.
(5) Mr. Eric Dermot Doyne,
(6) The Hon'ble Mr. Abdul Gofran.
(7) Mr. Satish Chandra Jana,
(8) Mr. Mangturam Jaipuria,
(9) Alhadj Khan Bahadur Shaikh Muhammad Ian.
(10) Mr. Humayun Z. A. Kabir,
(11) Mr. Syed Abdul Majid,
(12) Mr. Nagendra Nath Mahalanobish.
(13) Mr. T. B. Nimmo.
(14) Dr. Kumud Sankar Ray.
(15) Miss Ethel Robertson, C.S.P., and
(16) Mr Md. Taufiq.

WBGP-46/9-1170A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session, 1947—No. 24.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, 25th March, 1947, at 1-15 p.m., being the 24th day of the First Session of 1947, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTIONS AND ANSWERS

### Transfer of the Hindu staff of the Dacca Intermediate College.

**73. Mr. BIRENDRA KISHORE ROY CHOWDHURY:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) if all the Hindu members on the staff of the Dacca Intermediate College have been transferred elsewhere;

(*b*) if it is a fact that none but Muslim students are being kept on the college roll;

(*c*) if it is a fact that the Department of Sanskrit in the college has been abolished; and

(*d*) if it is a policy of the Government to convert the Dacca Intermediate College into a college exclusively for the education of Muslim boys?

**MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Saiyed Muazzamuddin Hosain):** (*a*) Yes.

(*b*) Due to communal troubles non-Muslim students have generally left this college on the ground of security.

(*c*) No, but the Lecturer in Sanskrit had to be transferred elsewhere temporarily as there was no student to read Sanskrit.

(*d*) No. Steps are being taken for constructing the college building in a place where students of both communities may join without much difficulty.

**Mr. PRESIDENT:** Next question.

**Mr. BIREN ROY:** Sir, this question may be postponed as the Hon'ble Minister is not present.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** I think he will be coming soon.

**Mr. PRESIDENT:** The Chair should have been informed beforehand that the Hon'ble Minister would be late.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Sir, that was not the understanding that he would come late. He was to come in time Probably he is held up owing to some unforeseen circumstances.

**Mr. PRESIDENT:** Let the question be postponed. We shall now take up the Calcutta Thika Tenancy Bill, 1947.

## Disturbances at Bogra.

**Mr. HARIDAS MAZUMDAR:** Sir, I want to mention a very urgent matter. On the authority of the United Press we have it that due to the recent disturbances in the town of Bogra most of the merchants of a particular community as well as some Bengali residents have sent their families to safer places. The merchants of a particular community having sold away their stocks of goods such as mustard oil, mustard seed, salt, cocoanut oil, etc., the prices of those commodities are rising as it is feared that there may not be any further indent of those goods for sometime to come. It is also said that the kerosene dealers have refused to indent kerosene unless armed guards are posted at the depots. Quotas for sugar and cloth for March will not be available as the quota-holders are afraid to take delivery of those things.

Sir, I want to know and probably the House may like to know whether this statement is correct. If it is so, then it is an alarming situation and we would like to know what steps the Government are going to take under these emeregent circumstances.

**Mr. PRESIDENT:** Are Government prepared to throw any light on this matter?

**The Hon'ble SAIYED MUAZZAMUDDIN HOSAIN:** Sir, it will be for the Civil Supplies Minister to make any such statement but he is not here and is away from Calcutta. I will communicate this news to him that this has been reported to the Council and the members of the Council want that some enquiry should be made to find out what the facts are and to take necessary action if the situation is really as reported in the papers.

**Mr. PRESIDENT:** When do you propose to reply to this question—will you make any short statement?

**The Hon'ble SAIYED MUAZZAMUDDIN HOSAIN:** No; the Civil Supplies Minister is the Minister concerned and at present he is not in Calcutta. On his return I will request him to make a statement about this matter.

**Mr. PRESIDENT:** When do you expect him to come back?

**The Hon'ble SAIYED MUAZZAMUDDIN HOSAIN:** Within a day or two.

**Mr. PRESIDENT:** Please request him to make a statement as early as possible if he was to make one.

**The Hon'ble SAIYED MUAZZAMUDDIN HOSAIN:** All right, Sir.

## The Calcutta Thika Tenancy Bill, 1947.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, with your permission I beg to move that the Calcutta Thika Tenancy Bill, 1947, be referred to a Select Committee consisting of—

(1) Mr. Nur Ahmed,
(2) Mr. S. M. Taufiq,
(3) Mr. Haji Md. Yusuf,
(4) Mr. Latafat Hossain,
(5) Mr. D. J. Cohen,
(6) Mr. George Morgan, C.I.E.,
(7) Mr. Satish Chandra Sen,
(8) Mr. Bankim Chandra Datta,
(9) Mr. Patiram Roy,
(10) Rai Bahadur Brojendra Mohan Maitra, and
(11) the mover,

with instructions to submit their report by the 10th April. The number of members whose presence will be necessary to constitute a quorum shall be five.

Sir, the Bill is designed to safeguard the rights and interests of a class of non-agricultural tenants of Calcutta commonly known as thika tenants. They consist mostly of petty traders, draftsmen, factory workers, milkmen, drivers, carters, menials and others of similar callings of slender means. They take settlement of the lands from the landlords agreeing to pay rent at the stipulated monthly rate which widely varies from locality to locality. Generally, no premium is paid for such settlement. The tenants themselves erect their own structures or huts which may be of all sorts excepting that no pucca roofing is allowed. In any case they play the role of middlemen by letting out huts to sub-tenants while retaining a small portion thereof for their own use and occupation. Under the existing law namely, the Transfer of Property Act, they are ejectable with 15 days notice ending within a month. The cases of these tenants is different in many respects from that of non-agricultural tenants in the rest of the Province, and it has been brought to the notice of the Government that, taking advantage of the helpless position of this class of tenants the landlords systematically exploit them by resorting to the coercive measures of arbitrary eviction and enhancement of rent. There has been a persistent demand for safeguarding their legitimate interests and rights and Government after very careful enquiries into the matter are satisfied that such tenants are in need of protection particularly against arbitrary eviction and enhancement of rent. The Bill has been designed with this object in view.

With these words I commend my motion for reference of the Bill to a Select Committee for acceptance of the House.

**Mr. PRESIDENT:** Motion moved that the Calcutta Thika Tenancy Bill, 1947, be referred to a Select Committee consisting of—

(1) Mr. Nur Ahmed,
(2) Mr. S. M. Taufiq,
(3) Mr. Haji Md. Yusuf,
(4) Mr. Latafat Hossain,
(5) Mr. D. J. Cohen,
(6) Mr. George Morgan, C.I.E.,
(7) Mr. Satish Chandra Sen,
(8) Mr. Bankim Chandra Dutta,
(9) Mr. Patiram Roy,
(10) Rai Bahadur Brojendra Mohan Maitra, and
(11) the mover,

with instructions to submit their report by the 10th of April. The number of members whose presence shall be necessary to constitute a quorum shall be five.

**Mr. CHARU CHANDRA SANYAL:** I beg to move that the Calcutta Thika Tenancy Bill, 1947, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1947.

Mr. President, Sir, in moving my motion it is not my intention to obstruct the passage of the Bill. In the days of democracy it is proper that persons likely to be affected by a Bill should know beforehand what is going to be done and be given an opportunity to express their opinion thereon. This Bill concerns the landlords and tenants of Calcutta and nearabouts and it is not difficult to get the opinion from some representative body of those people and that can be done comparatively quickly. With such opinion before them a select committee will be in a better position to consider the *pros* and *cons* of the Bill and arrive at tentative conclusions. And by so doing a lot of amendments may be avoided and the Bill may also have an easy sail through the legislature. It is with this idea in mind that I request the House to accept my motion.

**Mr. PRESIDENT:** Amendment moved that the Calcutta Thika Tenancy Bill, 1947, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1947.

Mr. Nahar, are you going to speak on this motion or to move your own amendment?

**Mr. BIJOY SINGH NAHAR:** No, Sir. I will neither speak nor move my own amendment.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, unless the opposition wishes to delay the passage of a measure that will do good to the poor people, I would only request my friend not to press his motion.

**Mr. PRESIDENT:** The question before the House that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1947.

The motion was put and lost.

**Mr. PRESIDENT:** Now, I shall put the original motion. The question before the House is that the Calcutta Thika Tenancy Bill, 1947, be referred to a Select Committee consisting of—

(1) Mr. Nur Ahmed,

(2) Mr. Md. Taufiq,

(3) Mr. Haji Mohammad Yusuf,

(4) Mr. Latafat Hossain,

(5) Mr. D. J. Cohen,

(6) Mr. George Morgan, C.I.E.,

(7) Mr. Satish Chandra Sen,

(8) Mr. Bankim Chandra Dutta,

(9) Mr. Patiram Roy,

(10) Rai Bahadur Brojendra Mohan Maitra, and

(11) the mover,

with instructions to submit their report by the 10th of April 1947, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

(The motion was put and agreed to.)

## Discussion of Supplementary Estimates.

**Mr. NUR AHMED:** Sir, with your permission I wish to make a few observations on the supplementary estimates presented to this House. It is the biggest sum, that is Rs.7 crores, for which the supplementary estimates are being presented to this house. This grant amounts to the half of the Bengal's total income of the year 1920-21. I do not like to touch on all the points. I will touch on the grants under Police. Rs.36 lakhs has been budgeted for police in this supplementary. Whatever expenditure made and added to this ever-growing force and the ever-growing expenditure, the police force in Bengal will not be sufficient to give sufficient security and protection to the masses of Bengal so that they can peacefully carry on their own business and march on the path of progress peacefully. A comparison with expenditures made by other provinces of India with a larger area than Bengal shows that Bengal spend the largest sum on Police. This sum which was 1½ lakhs at the beginning of the provincial autonomy has increased year by year and it has now exceeded 4 crores of rupees. It is most disquieting and some other device should be found for giving protection and security to the people. A suggestion may be made when independence looms large in the sky and Bengal should be prepared for that. I find from the reading of the constitution of Canada, Australia and other federated States that apart from federal army, each individual State has

their own militia, a national militia for local purposes for peace and order. In Bengal similar attempt was made with home guard organisation which was initiated during the war and it did excellent work during emergency. But all on a sudden it has been disbanded and my humble appeal to the Ministry is that it should consider some such measure which would help to raise a voluntary defence force or some thing like that. That force should be composed of both the communities of Bengal, so that both the communities can have confidence in that force. Recently I find Bombay has passed a specific Act for the Home Guard Organisation and a Bill has been introduced in the United Provinces legislature also for this purpose. I hope that such voluntary national defence forces should be raised in Bengal so that Bengal's expenditure on police may not be further increased and there may be sufficient defence forces to protect the people.

Coming to the General Administration, I find under this head the expenditure is the heaviest in comparison to the other Provinces. But the Rowlands Enquiry Committee and other Committees which have gone into the Administration of Bengal, their deliberate finding is that Bengal is understaffed, when compared with the Punjab, Madras and other Provinces. If comparison is made in many matters Bengal will be found to be understaffed. As for example the Circle Officers have to look to larger areas than in the Punjab and Madras. There is no doubt about this position. A sifting enquiry should be made into the expenditure on the General Administration Budget to see whether any retrenchment could be made or not. I have gone through the report of the Rowlands Committee and I am sceptic about some of their recommendations. In these days when there is a tendency of decentralisation, this Committee in most cases recommended for centralisation and this centralisation is the cause of all inefficiencies. As a result of their recommendation centralisation is going on in the Bengal Secretariat and those who are conversant with the inner workings of the Secretariat know that this results into confusion and also make the Hon'ble Ministers except the Chief Minister to be so many glorified clerks. The result has been that there is no initiative in many matters. It is time to look into their recommendations from a popular point of view and to see whether they may not be put to an end. This increase in expenditure is due to the giving effect to the recommendations of the Rowlands Committee's Report.

I now come to another important matter, namely, Muslim education. I have already stressed on this point in this House the other day when I produced figures and said that Rs.4,50,000 is a very small sum for the education of the Muslims. That has been admitted by the Finance Minister, and I think that in future larger sums will be allotted for this purpose. The requirements of the Muslims in Bengal is so large and their backwardness in education is so immense that they require every help from every quarter to make up their deficiencies. Sir, when India is going to be independent very soon it will be necessary that every citizen of Bengal should be fully equipped at least having got his elementary literacy, minimum literacy, so that they may be at least tolerably equipped to take an intelligent part in the administration of the Province. Sir, from that point of view Muslim education should be encouraged in every way.

Sir, I do not like to touch on any other point except Famine. Expenditure on Famine, I am glad to see, has been increased and that is a laudable adventure, I must say, and for that our Ministers deserve special congratulation from the masses. Sir, there was a time when very little sums used to be spent during the period of Famine. Now a larger amount is being spent on Famine and other Relief. This system should be systematised in such a way so that those who are really needy do get real benefit. Sometimes the money spent is not well spent. So my appeal to the Ministry is to evolve some unified system so that the money may be well spent.

Sir, a larger sum has been allotted in the Additional Budget for Agricultural Loans. The system of distributing loans to agriculturists is still

old and on an archaic method the loans are distributed. Sir, it is imperatively necessary, in view of the larger provision for Agricultural Loans, that some suitable system such as the Agricole system which is very successfully working in Egypt, should be introduced in Bengal or by amending some of the provisions of the Act some such system should be evolved so that these loans may be realised automatically. In the Punjab I find that the Agricultural Loans advanced are successfully realised and really the peasants are benefited by them. But here there are difficulties. Here the agriculturists have to apply for and repay the agricultural loans jointly and the difficulty lies in this. There are very few land mortgage banks in Bengal. Land mortgage banks are working very successfully in Madras and there are central land mortgage banks and under it there are many branch mortgage banks and the Madras banks raise capital by issuing bonds and other certificates and they are working very successfully as I find from the reports. Sir, Land mortgage banks should be established in Bengal, central as well as local banks, and an attempt should be made to lend money to the agriculturists of Bengal or Agricole, that is, a sort of co-operative society through which loans are distributed in Egypt and in some other countries. These are my suggestions on the supplementary budget and I hope the Hon'ble Minister of Finance will consider them.

**Rai Bahadur JOGENDRA NATH RAY:** Mr. President, Sir, the supplementary estimate of the Hon'ble Finance Minister is a novel one—and the novelty lies in its irregular procedure which is contrary to all parliamentary practice, that is, placing demands before the House when the expenditure was already incurred and no unforeseen emergency was provided for. The way in which things are being rushed through the House in these days and crores of rupees are being sanctioned leads one to think that perhaps there was only one community in Bengal and there was only one party rule. The rightful claim of the opposition to be consulted in all important matters is given the go-by and bills are being swallowed down the throats of the opposition in utter disregard of their opinions, feelings, sentiments and above all the security of their life and property and the honour of their womenfolk.

The provision of three crores for famine relief is welcome if the Ministry really means business. But a huge sum nearly equal to the yearly revenue of the pre-war Assam Government and of the Calcutta Corporation if spent simply to keep the Muslim League house in order, will be an utterly calamitious scandal for the Ministry when already the audit is looking askance at the method of their spending. Huge sums are earmarked for the relief of famine but the masses are where they were.

The provision of more money for Police is an open admission of the defeatist position of the Ministry. Is the excess money required for bringing in the Panjabi Muslims to terrorise the sons of the Province—Hindus and Muslims—because brother fought against brothers. The money is being paid by those in whose utter distress and danger to life and property and women's honour, the very Police is conspicuous by its absence and indifference.

The provision of supplementary grant for education of Muslim is a shameless betrayal of a communal mentality. If this provision is only because the Muslims are backward in education, and science, may I ask the Hon'ble Minister one question? If the Muslims are backward in education, in culture, tradition and wealth, in political consciousness, on what grounds do they claim to rule over this fair Province of Bengal? This brute majority and its brutal expression in Noakhali and other places will testify to the efficiency of the administration for the future generation when a history of this comes to be written.

The Finance Minister seems to be a bit dejected at the flat refusal of the Centre for subvention. If Bengal cannot make both ends meet when she has not to incur expenditure on the defence, railways, posts and telegraphs,

how can she attain her financial solvency in an idependent Bengal—the dream land of the present Ministry of which the Finance Minister drew a rosy picture forgetting all the while that every rose has its thorns.

**Mr. PRESIDENT:** Is there any other speaker? Hon'ble Minister.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, before I actually reply to the debate on the supplementary estimates for 1946-47, I want to state that some misrepresentation or misunderstanding has arisen out of my reply to the budget debate in this House. Some newspapers have said that I stated that Bengal would be the richest and most progressive province not only in India but in Asia with a revenue of 400 crores. But what I actually stated is what has been reported correctly in one newspaper only, namely, the "Statesman", that at the present moment Bengal is paying over a crore of rupees to the Centre. And that I visualised that in the future set up when Bengal would be free from the domination of the Centre or of any foreign power, we may have a budget framed with a revenue of Rs.200 crores. That is what I said and I wanted to clarify my position before I take part in the actual debate.

Now, Sir, with regard to the points raised by Mr. Haridas Mazumdar—he said that the census in Bengal was manipulated and therefore these figures do not reflect the actual figures of Hindus and Muslims. Mr. Mazumdar is not here today, but I may say for the information of the House that no doubt there was some amount of political agitation for getting some advantage out of the census of 1941. But the fact remains that in the Province we have a much larger number of non-Muslim officers than Muslim officers. In the census operation of 1941 persons entrusted with the task were mostly non-Muslims and Muslims were in minority and therefore if the census figures of 1941 showed a Muslim majority of 54 or 55 it is not only correct but if there is any error that error has gone towards deflation and not towards inflation.

Mr. Lalit Chandra Das said that the supplementary estimates of the budget should be presented to the House before the expenses are actually incurred. Theoretically I agree that it is a very sound proposition but in practice it cannot be observed. It has neither been practised in this House or in other House and it is only when emergency arises and it is only when Government are faced with certain emergent expenses which were not foreseen when the original budget was presented that excess expenditure has to be incurred, when the Legislature is not in session. Therefore invariably the practice in Bengal has been to present the supplementary estimates after they are incurred. But I agree that it should be the Government's objective to present these supplementary estimates as soon after as the expenses are incurred. I can assure the House that Government will always try to present these supplementary estimates either in the monsoon session or in the early November-December session. This year of course there has been a departure because of the fact that when this Ministry assumed office the budget for 1946-47 had already been certified by His Excellency the Governor of Bengal and the budget estimates for 1946-47 had to be presented by Government in July session. Therefore it is quite natural that our time-table had to be changed and the supplementary estimates had to be presented during the budget session of 1947-48.

Next, Sir, comes the question that under the head "Famine" we have made provision of Ralston, milk powder and dehydrated potatoes—whether these items of expenditure is justified or not. To this I would say that last year there was an apprehension of scarcity of food in the Province. Government after the bitter experience of 1943, for which this Ministry was not at all responsible, had to take extra precautionary measures to see that the unfortunate happenings of 1943 did not recur again and therefore Government had to buy these foodstuffs which would enable Government to provide additional food grains and foodstuffs for the people of the province.

Sir, "Ralston" is, I believe, a cereal food which can be served as a porridge and it was felt that this being rich in vitamin contents would be utilised in food canteens as gruel and that would be able to supplement the scarcity of food which might have taken place in the Province last year. For the same purpose Government had to buy large quantities of dehydrated potatoes. All these steps had been taken in the nature of a famine insurance, and it was a famine insurance which Government had to adopt in view of the fact that the food position last year was very alarming. Most of the foodstuff has been utilised and Government actually had to spend more money than was anticipated. I hope the honourable members of the House would agree that the Government could not foresee that the difficulty would be tided over so easily and Government would be able to harness all the available resources of the province in a manner so as to keep down scarcity of food in the Province. Mr. Lalit Chandra Das also mentioned that we were importing large number of Punjabi *ex*-service men as police. Now, Sir, this point has been cleared up by the Hon'ble the Chief Minister in the other House sometime back. For the information of the honourable members of this House I may say that the percentage of Muslims in the Armed Branch of the Calcutta Police was about 5 to 6 per cent. during the unfortunate happenings of August 16th to 19th. The Muslim population of Calcutta felt that the police should reflect actually the population in the Province so that there may be equal amount of confidence and a feeling of security among the Hindus and Muslims. I have not the figures readily available with me just now but I might say that as far as I remember in the Armed Branch of the Calcutta Police there were 1,200 non-Muslims mostly Gurkhas and only 68 to 70 Muslims. That was the reason why we could not post communally balanced armed pickets at strategic points. In order to do that we must have Muslim policemen. (Mr. BANKIM CHANDRA DUTTA: But why from abroad?) Yes, it may be said why we could not recruit from here but the difficulty was that we were faced with an emergency when Government required trained policemen—policemen with at least a couple of years' training. In order to train them as armed policemen they must be fully conversant with the use of firearms, must be good marksmen and all these qualities cannot be acquired in a single day and therefore we had to adopt this policy as an emergency measure so that trained men might be immediately available for strengthening the armed police in this metropolis. In order to augment the armed force of the Calcutta Police these people were recruited from the disbanded military personnel. Even after this recruitment the Muslims will form not even 40 per cent. of the Force. Mr. Lalit Chandra Das also mentioned about the hostel for the students of the Scheduled Castes. Government are trying to do their best in order to encourage education among the Scheduled Castes and to give facilities for the education of the backward and minority communities. A hostel for the Scheduled Castes has been provided in Calcutta. There was the Taylor Hostel which was in the occupation of Muslim students but because that hostel happened to be situated in an area which was entirely non-Muslim, the Muslim students left that hostel and are now being accommodated elsewhere and that hostel has been given to the Scheduled caste students of Calcutta. In addition to this there are other messes and hostels available for Scheduled Caste students. If Government feels that there is necessity for increasing the hostel accommodation for Scheduled Caste students I can assure the House that Government will not hesitate to provide such additional facilities for the education of a community which is acknowledged by all sections of the House to be backward.

Now, Sir, Mr. Patiram Roy says that the people in Bengal are worse off than the condition of the Bihar refugees and Bengal's money cannot be spent for non-Bengalees. This accusation comes from Mr. Patiram Roy who belongs to a party which has been advocating the cause of a united India. They maintain that there should be no division of India. They further maintain that this country is inhabited by one nation. If that be

so I cannot understand how Mr. Patiram Roy seeks to create a separate nation of the Bengalees. I think he cannot blow hot and cold in the same breath and therefore he must be consistent. If he says that India is one and it is inhabited by the people of only one nation he cannot at the same time differentiate a Bengalee from a non-Bengalee. But if on the other hand he thinks that Bengal is inhabited by a separate nation namely the Bengalees then he cannot take his stand on the one-nation-theory. Let him be consistent. That is my answer to his observations on this point. He then says that the provision for Scheduled Castes education is inadequate. I may point out to him that there was a provision of 5 lakhs of rupees for a special Scheduled Castes Education Fund and this fund has been in existence for the last 8 years. This year the present Ministry has increased the allotment by another 5 lakhs, i.e., the allotment has been doubled and the present allotment for the year 1947-48 would be 10 lakhs and therefore I think Mr. Patiram Roy cannot make any grievance out of the fact that Government are not providing extra money for the education of the Scheduled Caste boys. So far as the administration of the fund is concerned, I think Mr. Patiram Roy is aware of the fact that the fund is administered by a special committee, and there is also a special officer for the education of the Scheduled Castes. And therefore so far as the encouragement of education among the Scheduled Castes is concerned, this matter is entirely in the hands of non-officials and officials belonging to the Scheduled Castes community. Therefore, his charge that this matter is being neglected by Government, does not, in my opinion, hold any water.

Now, I come to Mr. Nur Ahmed's observations. He says that Bengal spends the largest amount on Police. I have not made a comparative statement of allotment under the head Police of the different Provinces. I admit that and therefore I have to accept as fact the statement of Mr. Nur Ahmed. But I must tell Mr. Nur Ahmed that Bengal at the present moment, in the present political context needs a large police force in order to maintain the peace and tranquillity in the Province and therefore no member in this House should grudge extra provision for strengthening the police force. For the progress and development of this country it is essential that there must be absolute tranquillity and absolute law and order in the Province and if there is any disturbance, any kind of lawlessness, all development schemes and all progress of this Province will be retarded. Therefore it is essential, I should say it is of paramount importance that we must make every effort to see that law and order is maintained in the Province and if necessary—I don't speak of this amount—if it is necessary that further sums should be spent in order to achieve that objective I am sure we shall have the support of all members of this House in our endeavour to see that law and order is maintained and for that purpose extra money if necessary should be spent. He has of course given some suggestion that some measures should be devised to give security and protection to the people. I agree with him that we should do our utmost to give security and protection to the people of this Province. He has referred to Bombay regarding Home Guards and about the Bill which is pending before the United Provinces Assembly for the formation of a Home Guard organisation in that Province. He has not mentioned the fact that even in Bengal the present Government have under contemplation a scheme for some volunteer organisation in rural areas and it may be Home Guards or it may be Village Defence parties, call it by what name you will. But it is the intention of Government to set up volunteer organisations in the mofussil areas for strengthening the hands of the police and for maintaining law and order. As I have said, I entirely agree that such a volunteer organisation should enjoy the confidence and trust of every section of the pepole inhabiting this Province and therefore it should be composed not only of Hindus and Muslims but of the Scheduled Castes and all the minorities living in this Province, and it is only if we are successful in setting up such volunteer organisations that the real purpose of our setting up such an agency will be served. I

entirely agree with Mr. Nur Ahmed and thank him for his suggestion. He has said that so far as the general administration is concerned Government should make an enquiry regarding retrenchment in it. Members of this House will remember that when I presented the budget estimates for 1947-48 I sounded a note of warning. I said that if the recommendations of the Pay Revision Commission are accepted then we may have to face additional expenditure of six crores of rupees, but at the same time I suggested that Government will have to examine the present set-up of Government's machinery and will have to find out whether we may be able to effect any retrenchment in it. The policy of Government will be to see that efficiency is increased but at the same time if there is any surplus manpower that should be curtailed. We propose to give all persons an adequate salary, but at the same time we should also see that the fullest return for that expenditure is obtained by Government. Therefore I agree with Mr. Nur Ahmed that Government should examine this question very carefully and I can assure the House that Government are fully alive to this fact that there is need for a thorough over-hauling and examination of Government's departmental machinery with a view to finding out (*a*) whether the present set-up is adequate, and if not, how it should be made adequate, and (*b*), whether the scales of pay of Government employees are sufficient or not. I agree with Mr. Nur Ahmed that the system of making advances for agricultural purposes, namely, agricultural loans, is antiquated and public money lent to cultivators becomes bad because of the fact that those monies have been advanced by Government officers in a most haphazard manner and without due regard to proper arrangements for their recovery. Government are however now trying to make re-arrangements regarding their recovery. It is known to members of this House that Government propose to amend the Public Demands Recovery Act with a view to bringing within the purview of the Act certain advances already made by Government so that the money may be recovered from the agriculturists under the provisions of the Public Demands Recovery Act and if this is done, then the money, a major portion of which has become almost unrecoverable, will come back to the coffers of Government, and I agree with Mr. Nur Ahmed that this proposition be examined as to whether the existing system of advances to agriculturists is good or whether it should be made through the agency of co-operative societies or through properly constituted Land Mortgage Banks. I personally agree with Mr. Nur Ahmed that the co-operative movement which is capable of doing a lot of good to the people has not worked up to the ideal which was thought of, but it is a movement which is certainly capable of delivering the goods to the agriculturists of the Province, and I am personally of opinion that this Department of Government should require proper overhauling and proper reorganisation so that the co-operative societies may function entirely for the benefit of the people. Sir, now I come to Rai Bahadur Jogendra Nath Roy. He has said that it is a novel practice adopted by Government inasmuch as the supplementary demands are presented after the expenditure has already been incurred. But I have already replied to that point. Then, Sir, he said that we are administering the Province on a communal basis and that there is a communal,—one party and one community Government. I would like to point out to him how mistaken, how erroneous and how wrong he is. I can say this without any fear of contradiction that Bengal is the one Province in India in which there is a broad-based Ministry. Most other provinces—take for example Bombay there is one-party Government and one-community Government. Then take Madras, it has got a one-party and one-community Government. (Mr. BANKIM CHANDRA DUTTA: What about Bihar?) Yes, in Bihar there is one party Government. In the United Provinces there is one-party Government. Of course in the Punjab there is no responsible Government now: there is Section 93. Then, Sir, even in Sind there is one-party Government. In Bengal, though it is a Muslim League Ministry, the personnel of the Ministry is not composed entirely of Muslims. In Bengal we have a Cabinet in which Caste Hindus represent—in which Scheduled

Castes represent and we have representatives of the Muslim League. Therefore the Bengal Ministry is the most broad-based Ministry in India today and it is composed of Muslims, Caste-Hindu and Scheduled Castes and it is not a one-party Ministry. (Mr. BIJOY SINGH NAHAR: To which party Mr. Tarak Nath Mukherji belongs?) It is not a one party Ministry in that sense. I want to tell you, Sir, that if the Muslim League wanted they could have a purely Muslim League Ministry without any Caste Hnidus, or without a Scheduled Caste and they could always maintain a stable Ministry. But the Muslim League point of view is that representation must be given to all communities. Muslim League does not want to dominate over others and does not want to inflict one community rule on the Hindus. As I have said during the budget debate, Muslims have no intention of dominating over other communities and they expect that similarly Hindus should not want to dominate over the Muslims in this Province. But the same cannot be said of other Provinces where Congress have one-party Government. In the two major presidencies in India Congress have one-party and one community Government. So look how generous, how broad-minded the Muslim League Ministry in Bengal is. I hope Mr. Dutta could have said the same of the Congress.

I think, Sir, I have dealt with all the points that have been raised in the debate. Of course as Mr. Haridas Mazumdar pointed out, this is actually in the nature of post-mortem examination because the supplementary budget has been passed and also has been authenticated by His Excellency the Governor. With these words I thank you, Sir, for giving me time to speak and the members for giving me a patient hearing.

**Mr. PRESIDENT:** Order, order, the House stands adjourned till 1-45 p.m. tomorrow.

## Adjournment.

The Council then adjourned till 1-45 p.m. on Wednesday, the 26th March, 1947:—

**Members absent.**

The following members were absent from the meeting held on the 25th March, 1947:—

(1) Mr. Yusuf Ali Chowdhury,
(2) Mr. Eric Dermot Doyne,
(3) The Hon'ble Mr. Abdul Gofran,
(4) Khan Bahadur Shaikh Fazal Ellahi,
(5) Alhadj Khan Bahadur Shaikh Muhammad Jan,
(6) Mr. Humayun Z. A. Kabir,
(7) Mr. Syed Abdul Majid,
(8) Mr. Nagendra Nath Mahalanobish,
(9) Mr. T. B. Nimmo,
(10) Dr. Kumud Sankar Ray,
(11) Haji Md. Yusuf, and
(12) Mr. Lalit Chandra Das.

WBGP-47/8-4468A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session, 1947—No. 25.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday the 26th March, 1947 at 1-45 p.m. being the 25th day of the First Session of 1947, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble SIR BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTIONS AND ANSWERS

### Relief work in Noakhali by Mrs. Sucheta Kripalani, wife of the Congress President.

**75. Rai Bahadur BROJENDRA MOHAN MITRA (on behalf of Mr. Lalit Chandra Das):** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the Government has seen a report in the newspapers that at the end of December last Mrs. Sucheta Kripalani, wife of the Congress President, with other female workers were in a relief camp in a village about 2 miles from Dattapara in Noakhali, and a plot to raid that camp by the hooligans of the majority community was detected by some of the relief workers and the police and military being informed in time, the plot failed?

(*b*) Will the Government take any steps to find who were the plotters and punish them? If not, why not?

**The Hon'ble Mr. SHAMSUDDIN AHMED (on behalf of the Minister in charge of the Home Department):** (*a*) On the 31st December, 1946, Mrs. Kripalani, who was then living in Baralia village near Dattapara, informed the Assistant Sub-Inspector of Police at Dattapara that she apprehended an attack on her camp by Muslim hooligans that night. The Assistant Sub-Inspector immediately sent information to the military camp at Hajirpara, and proceeded to Mrs. Kripalani's camp accompanied by the Relief Circle Officer and the President of the Union Board, Maulvi Jalaluddin. Some troops also went from Hajirpara to Baralia. No incident took place, and enquiries indicated that the information which Mrs. Kripalani had received was baseless.

(*b*) Does not arise.

**Mr. HARIDAS MAZUMDAR:** Sir, in response to the request of the Hon'ble Minister in charge of Labour with reference to my supplementary question the other day regarding the Tramways strike——

**Mr. PRESIDENT:** Order, order. I thought you were putting up a supplementary question to Question No. 75. You should take the permission of the Chair before you get up.

**Mr. HARIDAS MAZUMDAR:** I thought you had permitted me inasmuch as you did not object to my proceeding with the matter.

(There being no supplementary questions.)

**Mr. PRESIDENT:** Now you can raise your point, Mr. Mazumdar.

**Mr. HARIDAS MAZUMDAR:** With reference to my question the other day regarding the Tramways strike, and in response to the request of the Hon'ble Minister in charge of Labour and Commerce for notice to answer that supplementary question put by me, I tabled a short notice question which runs thus—

With reference to the supplementary question and the request of the Hon'ble Minister in charge of Labour and Commerce for notice, in connection with the short notice question regarding the Calcutta Tramways strike, will the Hon'ble Minister be pleased to state if any cause has arisen for the cancellation of the licence granted to the Calcutta Tramway Company in terms of any condition imposed on them thereunder or by virtue of any provision in the existing laws or regulations of the land. If so, why has not the licence yet been cancelled? etc.

That was the short notice question and it is on the 17th, Sir, that I tabled this question. It is a very urgent matter and I hope the Minister will be in a position to reply to this short notice question immediately.

**The Hon'ble Mr. SHAMSUDDIN AHMED:** I want some time to answer this.

**Mr. PRESIDENT:** So far as I remember, Mr. Shamsuddin Ahmed, I admitted this as a short notice question and very likely it was sent to your Department. If you cannot reply today you may do so tomorrow.

**The Hon'ble Mr. SHAMSUDDIN AHMED:** I shall try to reply tomorrow, Sir. As regards the point that it is to be treated as a short notice question and replied to at shorter notice than usual, I find that it is stated in a Memorandum issued from my office to your department that the Hon'ble Minister in charge of Commerce, Labour and Industries Department, has not agreed to answer the question as a short notice question.

**Mr. PRESIDENT:** That means that the question of Mr. Haridas Mazumdar is not going to be answered by you as a short notice question. I see the point.

**Mr. HARIDAS MAZUMDAR:** Answer is due on a longer notice also. I put in my short notice question on 17th March, 1947. Just now the Hon'ble Minister said that he will reply tomorrow. He may do so.

**Mr. PRESIDENT:** Questions over.

**The Hon'ble Mr. SHAMSUDDIN AHMED:** There is one other question, Sir, and that is to be answered by me. I was absent yesterday and that question (No. 74) was held over by you, I believe.

**Mr. PRESIDENT:** That question has not again been circulated to members and so it cannot be taken up today. We may take it up tomorrow.

**The Hon'ble Mr. SHAMSUDDIN AHMED:** All right, Sir.

## The Calcutta Rent Bill, 1946.

**Mr. PRESIDENT:** Now, instead of item No. II on the agenda I propose to take up item No. III first. Item No. II will come afterwards. So let us now take up the Calcutta Rent Bill. I believe, Mr. Clarke, you were in possession of the House the other day.

**Mr. C. E. CLARKE:** I have already moved the amendment (No. 83B of Late List No. II) and I believe it is being debated. The debate has not yet been concluded I believe.

**Mr. PRESIDENT:** I believe Mr. Clarke has moved his amendment No. 83B.

**Mr. C. E. CLARKE:** Yes, Sir, I have moved it but the debate on it has not been concluded.

**Mr. PRESIDENT:** Order, order. Amendment moved that for clause 13 of the Bill, the following be substituted, namely:—

"13. (*1*) No suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom in which any of the grounds specified in clauses (*b*) and (*d*) of the proviso to sub-section (*1*) of section 12 has been taken as a ground for such eviction shall be entertained by any Court unless the landlord has been permitted by the Controller by an order in writing under sub-section (*3*) to institute such suit or proceeding and has produced before such Court proof that such permission has been granted.

(*2*) If in any suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom, a decree or order for the recovery of possession of such premises has been made before the date of commencement of this Act on any of the grounds specified in clause (*c*) of the proviso to sub-paragraph (*1*) of paragraph 9 of the Calcutta House Rent Control Order, 1943, or in clause (*c*) of the proviso to sub-paragraph (*1*) of paragraph 10 of the Bengal House Rent Control Order, 1942, but the possession of such premises has not been recovered from the tenant, the execution of such decree or order shall be stayed until the landlord produces before the Court by which such decree or order may be executed or in which such execution is pending, as the case may be, proof that he was permitted by the Controller appointed under the Calcutta House Rent Control Order, 1943, or the Bengal House Rent Control Order, 1942, as the case may be, to institute such suit or proceeding or to prosecute such suit or proceeding or to recover possession of such premises by the execution of such decree or order or that he has been permitted by the Controller by an order in writing under sub-section (*3*) to recover possession of such premises by the execution of such decree or order.

(*3*) A landlord who desires to obtain from the Controller,—

(*a*) any order referred to in sub-section (*1*) permitting him to institute a suit or proceeding referred to in that sub-section against a tenant in possession of any premises for evicting such tenant therefrom, or

(*b*) any order referred to in sub-section (*2*) permitting him to recover possession of the premises in respect of which any decree or order referred to in the said sub-section has been made by the execution of such decree or order,

shall apply in writing to the Controller in that behalf, and if, on receipt of such application, the Controller, after giving the tenant in possession of the premises an opportunity for showing cause against the application and after considering all the circumstances of the case, is satisfied that,—

(*i*) in the case referred to in clause (*a*), there is sufficient cause to hold that any of the grounds specified in clauses (*b*) and (*d*) of the proviso to sub-section (*1*) of section 12 which has been taken by the landlord as a ground for eviction of the tenant in such suit or proceeding exists, and that in the case of a suit or proceeding for eviction on the ground specified in clause (*b*) of the said proviso, the consent of the landlord to sublet the premises has not been unreasonably withheld, and

(*ii*) in the case referred to in clause (*b*), it is a fit case for the landlord to recover possession of the premises by execution of the decree

or order referred to in that clause on any of the grounds referred to in sub-section (2) on which such decree or order has been made,

the Controller shall, after recording his reasons in writing, make the Order applied for, and, if the Controller is not so satisfied, he shall, also after recording his reasons in writing, make an order rejecting the application.

(4) The Controller may, before making under sub-section (3) any order referred to in sub-section (2) permitting a landlord to recover possession of any premises by the execution of a decree or order, allow such time as he considers necessary to the tenant to vacate the premises and to deliver possession thereof to the landlord."

**Mr. BIREN ROY:** Sir, Mr. Clarke after being thwarted in his previous amendment by the Government has now tried to bring in the same clause 13(1), (2), (3), (4) which was in the original Bill. I think it was not necessary for the Select Committee spending so much money to go through the whole Bill after deleting the clause and go back through the back door and insert this clause in the Bill again. We oppose the procedure as such and I think that this amendment should not be included in the Bill at all.

**Mr. BIJOY SINGH NAHAR:** Sir, my friend Mr. Roy has rightly pointed out that it is really a backdoor policy. I am surprised at the way in which the Bill has been conducted. This is a very important Bill. We considered in the Select Committee the Bill clause by clause. I was a member of the Select Committee and I know that the clauses were accepted by the Select Committee and practically there was no opposition. Now Mr. Clarke brings this amendment keeping the former draft as a whole which was deleted by the Select Committee after careful consideration. The thing that surprises me is the attitude of Government. Government were represented there and the Chairman was the Hon'ble Minister himself and accepting in the Select Committee the whole Bill as has been recommended by the Select Committee they are now giving their support to the amendment moved by Mr. Clarke. I do not know what new thing has sprung up in the meantime. Government spent a lot of money after the Select Committee and now the whole spirit of the Select Committee is being changed by this amendment. I do not know why Government has changed its attitude. May we take it that the Government or the Minister in charge of this Bill did not make up their mind before the report of the Select Committee actually came before the House. We find that the Chief Whip of their party putting amendment of the clauses and Mr. Clarke has accepted it. The Government at the beginning did not consider what they want to do or not to do. Coming to the House they have changed their mind suddenly I do not know why. About the clause we find that it refers to taking permission from the Controller. What happens is that when an owner of the House and the tenant find it necessary to start a suit they will have to go to the Controller first. That means they have to have proceedings twice—first they have to go to the Rent Controller, they have to appoint lawyers and incur expenditure and when the suit is heard by the Rent Court, then when they have the permission of the Rent Court they will have to go to the ordinary court and will have to incur further expenditure—there will be duplicate expenditure over the same thing. What the Select Committee suggested is that the party is to go to the court and not to the Controller and therefore the court would decide *prima facie* whether there is any case or not. But the amendment provides for duplicate expenditure to be incurred by the party. We know, Sir, how the Rent Controller's Office is doing the work. If you go, Sir, to the Rent Controller's Office you will be able to see for yourself how difficult it is to get a thing done there. I would request the Hon'ble Minister in charge really to go to that office to see these things for himself. For one piece of information a person has to dance attendance there for a very long time and has to pay large amount of money to the officers concerned. I make this charge deliberately and I

know what is happening there. Government should see how one of their departments is working. I do not know whether Mr. Clarke had any occasion to go to that office. I am sure if he had gone there he would not have brought in an amendment like this. To get their grievances remedied, tenants will have to spend large sums of money as fees to the lawyers if they have to go through the Rent Controller. If they have not to go through the Controller lot of money would be saved. If the Government want to do some good to the poor people, to the sufferers, and which we also really want, they should not adopt this duplicate procedure. For it will help neither the tenant nor the landlord. Mr. Abdulla-al-Mahmud told the House the other day that the Rent Controller is of a judicial mind and one will not have to spend much except annas 12 as application fee. Sir, he perhaps does not know what is happening there. I contradict him by saying that there are lot of expenses বাজে খরচ . I again say that let the Government accept the Select Committee's proposal. If they do not accept it then it is no use wasting the time of the honourable members by going to the Select Committee and wasting the public money. With these words, I oppose the amendment.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, Mr. Nahar raises a question of procedure. He says if Government does not accept the proposal of the Select Committee then it was no good having a Select Committee. I think in that case a Bill need not come to this House again. From the Select Committee it might go to the Assembly. I do not think anybody will accept this procedure.

**Mr. BIJOY SINGH NAHAR:** On a point of personal explanation, Sir. I did not say that. I said Government should not go back upon the Select Committee Report to which they were a party.

**The Hon'ble Mr. FAZLUR RAHMAN:** I think the House has the right to amend the recommendation of the Select Committee. I do not know why Government will not have that privilege. The question is the question of delay and the amendment of Mr. Clarke aims at minimising the delay involved in disposing of a case because he feels that delay is unnecessarily involved in taking a case first to the Rent Controller and then to the Civil Court and I think it is common knowledge and common experience that if this procedure of approaching the Controller first is followed the cases will be disposed of much speedier than will be the case in the Civil Court and at less cost to the parties. The Select Committee proposed two stages. Firstly they will have to apply to the court on a preliminary point whether those grounds alleged by the landlord in the petition to evict a tenant exist or not, and if there is a *prima facie* case made out against the tenant for eviction the court will allow the landlord to proceed with the suit. If this procedure is followed the delay will be much more and the expense involved greater than would be the case if the case is first referred to and decided on by the Rent Controller. Now Government having considered the interests of both the landlord and the tenant with regard to the question of speedier disposal and lesser cost had to disagree with the proposal of the Select Committee and wanted to amend the clause in the House. Now the Rent Controller is subject to the control of the Government so far as the administrative side is concerned, i.e., if the Controller delays in disposing of cases Government can call for his explanation why a case has not been disposed of in time. In addition to him there will be a part-time Rent Controller who will be appointed soon, probably before this Bill becomes an Act of the Legislature. With the appointment of the part-time Rent Controller the cases cannot remain undisposed of for a long time. I hope, Sir, in view of this explanation my friends in the Opposition will not oppose this amendment..

**Mr. PRESIDENT:** I do not propose to read out the whole amendment over again. The question before the House is that amendment No. 83B moved by Mr. Clarke be substituted for clause 13 of the Bill.

The question was put and a division taken with the following result:—

**AYES—26.**

Mr. Abdulla-al-Mahmud
Mr. Sultanuddin Ahmed
Rai Bahadur Dhirendra Lal Barua
Mr. Reajuddin Bhuiya
Khan Bahadur Syed Abdur Rashid Chowdhury
Mr. Chowdhury Moazzem Hussain
Mr. Hamidul Huq Chowdhury
Mr. Abdul Hamid Chowdhury
Khan Bahadur Abdul Latif Chowdhury
Mr. Syed Fazle Rabbi Chowdhury
Mr. C. E. Clarke
Mrs. Labanyaprova Dutt
Khan Bahadur A. M. Shahoodul Haque
Mr. G. J. K. Hook
The Hon'ble Mr. Saiyed Muazzamuddin Hussain.
Mr. Latafat Hossain
Alhaj Yar Ali Khan
Mr. Mobarak Ali Khan
Mr. Abdul Latifi
The Hon'ble Mr. Tarak Nath Mukerjea
Khan Bahadur Ghyasuddin Pathan
Mr. Abdul Rashid.
Mr. Amulyadhone Roy
Miss Ethel Robertson
Mr. Satish Chandra Sen
Dr. Kasiruddin Talukdar

**NOES—11.**

Mr. Hemendra Kumar Das
Mr. Kamini Kumar Dutta
Mr. Mangturam Jaipuria
Mr. Satish Chandra Jana
Rai Bahadur Brojendra Mohon Maitra
Mr. Bejoy Singh Nahar
Rai Bahadur Jogendra Nath Ray
Mr. Biren Roy
Mr. Biswanath Roy
Mr. Patiram Roy
Mr. Charu Chandra Sanyal

(Ayes being 26 and Noes 11 the motion was agreed to.)

**Mr. PRESIDENT:** Mr. Sanyal.

**Mr. CHARU CHANDRA SANYAL:** I beg to move that after clause 13 of the Bill, the following new clause 13A, be added, namely:—

"13A. Notwithstanding anything contained in the Court fees Act, in suits for eviction of tenant the Court fee payable on the plaint shall be calculated on the amount of rent payable for one month but in no case shall such court fee exceed rupees five only".

Sir, the amendment is quite clear and I do not like to speak anything about it.

**Mr. PRESIDENT:** Amendment moved that after clause 13 of the Bill, the following new clause 13A, be added, namely:—

"13A. Notwithstanding anything contained in the Court fees Act in suits for eviction of tenant the Court fee payable on the plaint shall be calculated on the amount of rent payable for one month but in no case shall such court fee exceed rupees five only".

**Mr. BIREN ROY:** Sir, I rise to support this very simple amendment of my friend. The main thing there is that Government want in the interest of tenants that ejectment should be made practically impossible. Here, Sir, a dictator has been appointed and more dictators will be there and after one passes from one person by spending a lot of money in the Court of the Controller of Rent he has to file a suit again in the civil court: that means he is being doubly taxed and therefore if you only provide a reduction in the court fee in such cases it would be of course a very slight benefit to the persons who are in real distress about getting possession of their own rooms. Therefore I think the Hon'ble Minister in charge would not disagree in accepting this very reasonable amendment from this side of the House.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, this reduction of court fee is not called for, because in that case the court would have heard in the preliminary point. Here he will pay only annas 12 as petition fee and if the petition is rejected he will not have to go to the Civil Court at all. In genuine cases where there is a prima facie case against a tenant he will have to pay court fee on the annual rental basis. So there is no hardship. I do not think the amendment is reasonable.

**Mr. PRESIDENT:** The question before the House is that after clause 13 of the Bill the following new clause 13A, be added, namely:—

"13A. Notwithstanding anything contained in the Court fees Act, in suits for eviction of tenant the Court fee payable on the plaint shall be calculated on the amount of rent payable for one month but in no case shall such Court-fee exceed rupees five only."

(The motion was put and lost.)

**Mr. PRESIDENT:** The question before the House is that clause 13 as amended stand part of the Bill.

(The motion was put and agreed to.)

*Clause 14.*

**Mr. PRESIDENT:** Clause 14 stand part of the Bill.
Amendment Nos. 90A, 90C and 93A and 93C are out of order.

**Mr. C. E. CLARKE:** On a point of information, Sir. May I enquire why my amendment Nos. 90A, 90C and 93A and 93C are out of order?

**Mr. PRESIDENT:** They are out of order, because identical amendments moved by Mr. Nur Ahmed had been rejected by the House.

**The Hon'ble Mr. FAZLUR RAHMAN:** Mr. Nur Ahmed's amendments and these amendments are not the same. There is a difference.

**Mr. PRESIDENT:** What is the difference?

**The Hon'ble Mr. FAZLUR RAHMAN:** One minute, Sir. I shall just explain it to you. In Mr. Nur Ahmed's amendment (No. 79A) that was negatived by the House, the question of sub-letting and the question of the permission of the Rent Controller to sublet were not there.

**Mr. PRESIDENT:** I shall have it examined further.

**The Hon'ble Mr. FAZLUR RAHMAN:** Yes, Sir. In Mr. Clarke's amendment substituting a new clause for the Bill clause No. 13, which has just now been passed by the House, Sub-letting has been introduced.

**Mr. PRESIDENT:** I think Mr. Nur Ahmed's amendment (No. 79A) turned down by the House and the one Mr. Clarke wants to move now, namely, No. 90A-90C are practically identical.

**Mr. BIJOY SINGH NAHAR:** Yes, Sir, that amendment No. 79A of Mr. Nur Ahmed, I mean clause 14 which he wanted to insert for Bill clause No. 14, was already negatived by the House and amendment No. 90A-90C of Mr. Clarke is an exact reproduction of Mr. Nur Ahmed's clause 14. Mr. Clarke's amendment (No. 96A-90C) is just identical with Mr. Nur Ahmed's amendment No. 79A already rejected. No question of the introduction of sub-letting arises.

**The Hon'ble Mr. FAZLUR RAHMAN:** I will explain the point. Clause 13 has changed the whole question. You look up the clauses and the amendments one by one and in that way you proceed with them. Mr. Clarke's clause No. 13 which we have just now accepted was a new thing and therein has been introduced the question of approaching the Rent Controller for permission to sub-let a premises. Reference is made therein to sub-letting a premises. This was not there in Mr. Nur Ahmed's amendment. Earlier in the debate we had included sub-letting also. The wording may be the same but the scope is quite different if you examine clauses 14 and 15 in the light of clause No. 13 which has been accepted today.

**Mr. PRESIDENT:** Let me have the point examined by the experts of the Council Department. Let the matter stand over for the time being.

**The Hon'ble Mr. FAZLUR RAHMAN:** All right, Sir.

**Mr. BIREN ROY:** On a point of order, Sir. We do not want this to be held over and inasmuch as Mr. Nur Ahmed's clause 14 has already been rejected by the House. Mr. Clarke's clause 14 which is exactly the same as Mr. Nur Ahmed's should not be entertained by the House.

**Mr. PRESIDENT:** That is not a point of order. If the Chair is in doubt about a point the Chair is entitled to examine it further.

**Mr. BIREN ROY:** We cannot haphazardly go on with the other clauses.

**Mr. PRESIDENT:** Let me have the matter examined before I give my final decision.

**Mr. BIJOY SINGH NAHAR:** In that case we should better stop here for the day.

**Mr. PRESIDENT:** I am afraid not.

*Clauses 14 and 15.*

**Mr. PRESIDENT:** Let clause 14 and 15 stand over today.

*Clause 16.*

**Mr. PRESIDENT:** Clause 16 stand part of the Bill.

The question before the House is that clause 16 stand part of the Bill.

(The question was put and agreed to.)

*Clause 16A.*

**Mr. PRESIDENT:** Clause 16A stand part of the Bill.

**Mr. ABDUL RASHID:** Sir, I beg to move that in clause 16A of the Bill, the words "his rights under any lease in respect of such premises or" in lines 9-10 be omitted.

**Mr. PRESIDENT:** Amendment moved that in clause 16A of the Bill, the words "his rights under any lease in respect of such premises or" in lines 9-10 be omitted.

(The question was put and agreed to.)

**Mr. CHARU CHANDRA SANYAL:** Sir, I beg to move that in clause 16A of the Bill, the following be added at the end, namely:—

"or his right to evict the tenant".

I do not make any speech.

**Mr. PRESIDENT:** Amendment moved that in clause 16A of the Bill, the following be added at the end, namely:—

"or his right to evict the tenant".

**The Hon'ble Mr. FAZLUR RAHMAN:** This amendment is unnecessary as the object of the amendment is covered by the existing clause. So I oppose the amendment.

(The question was put and lost.)

**Mr. PRESIDENT:** The question that clause 16A as amended stand part of the Bill.

(The question was put and agreed to.)

*Clause 18.*

**Mr. PRESIDENT:** Clause 18 stand part of the Bill.

**Mr. CHARU CHANDRA SANYAL:** I beg to move that at the end of clause 18 of the Bill the following proviso be added, namely:—

"Provided that a tenant who is in arrears of rent shall not be entitled to make any application under this section".

**Mr. PRESIDENT:** Amendment moved that at the end of clause 18 of the Bill, the following proviso be added, namely:—

"Provided that a tenant who is in arrears of rent shall not be entitled to make any application under this section".

**Mr. BIREN ROY:** Sir, I rise to support this amendment of Mr. Sanyal. It is also a very reasonable amendment. Everything has been provided in clause 18 by which the landlord will be asked within 15 days—the time has been extended a little bit—to repair any damage to his building. The tenant may be in arrears of rent for any number of months and perhaps the landlord may not be able to file a case on account of the proceedings of the Controller, but at the same time he will have to pay out of his own pocket, in spite of the tenant being a defaulter for any number of months, the cost of repairs of his house, for the benefit of the said defaulter tenant, and which repair must be completed within two months. In these days every one knows how difficult it is to do this when cement and other materials are controlled and are not available, and it is very difficult for a landlord to execute any repairs of any kind. In these circumstances, we consider this amendment very reasonable which provides that a defaulter tenant should not be entitled to make any application under section 18. I think the Hon'ble Minister will accept it.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I think this amendment is very unreasonable inasmuch as the landlord is required to discharge his obligation to repair his house. What he is required to do is to discharge his obligation to his tenant to repair the building that is the first point to make and it is not consequential on the payment of the rent or it cannot be made obligatory that unless the rent is regularly paid the repairs would not be made or the house would not be kept in proper repairs. If this sort of provision is allowed to be kept in the caluse it will defeat the object of the Bill. So I oppose it.

**Mr. PRESIDENT:** The question before the House is that at the end of clause 18 of the Bill, the following proviso be added, namely:—

"Provided that a tenant who is in arrears of rent shall not be entitled to make any application under this section".

The motion was put and lost.

**Mr. BIREN ROY:** Sir, I beg to move that after sub-clause (3) of clause 18 of the Bill, the following sub-clause be added, namely:—

"(4) If a landlord applies to the Controller regarding damages caused by the tenant to the premises, the Controller shall cause a notice to be served on the tenant within 48 hours of the receipt of such application and direct the tenant to allow inspection of damages by the landlord or his agent so that details of such damages may be submitted to the Controller who will then cause enquiries to be made regarding costs of repairs and make the same payable by the tenant with the rent of the next month so that repairs may be promptly effected. Failure to pay such cost should be treated as non-compliance with the provisions of this Act and should be a reason for ejection proceeding."

**Mr. PRESIDENT:** Amendment moved that after sub-clause (3) of clause 18 of the Bill, the following sub-clause be added, namely:—

"(4) If a landlord applies to the Controller regarding damages caused by the tenant to the premises, the Controller shall cause a notice to be served on the tenant within 48 hours of the receipt of such application and direct the tenant to allow inspection of damages by the landlord or his agent so that details of such damages may be submitted to the Controller who will then cause enquiries to be made regarding costs of repairs and make the same payable by the tenant with the rent of the next month so that repairs may be promptly effected. Failure to pay such costs should be treated as non-compliance with the provisions of this Act and should be a reason for ejection proceeding."

**Mr. BIJOY SINGH NAHAR:** Sir, I support this amendment. This is a very reasonable amendment consequential on clause 12. We have provided that whenever there is any damage in the house the tenant cannot always write to the landlord for repairs. If the damage is due to the tenant's fault, if he did the damage willingly then the tenant is liable to pay for the repairs. The Controller should ask the tenant to pay the cost of the repairs. I hope this amendment should be accepted by the Government.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, it is extraordinary that my friends opposite have become enamoured of the Controller. Now, Sir, already there is a remedy. The landlord can go to the Civil Court, against these damages. He need not go to the Controller.

I oppose the amendment.

**Mr. PRESIDENT:** The question before the House is that after sub-clause (3) of clause 18 of the Bill, the following sub-clause be added, namely:—

"(4) If a landlord applies to the Controller regarding damages caused by the tenant to the premises, the Controller shall cause a notice to be served on the tenant within 48 hours of the receipt of such application and direct the tenant to allow inspection of damages by the landlord or his agent so that details of such damages may be submitted to the Controller who will then cause enquiries to be made regarding costs of repairs and make the same payable by the tenant with the rent of the next month so that repairs may be promptly effected. Failure to pay such costs should be treated as non-compliance with the provisions of this Act and should be a reason for ejection proceeding."

The motion was put and a Division taken with the following result:—

**AYES—10.**

| | |
|---|---|
| Mr. Hemendra Kumar Das | Rai Bahadur Jogendra Nath Roy |
| Mr. Kamini Kumar Dutta | Mr. Biren Roy |
| Mr. Satish Chandra Jana | Mr. Biswanath Roy |
| Rai Bahadur Brojendra Mohon Maitra | Mr. Patiram Roy |
| Mr. Bejoy Singh Nahar | Mr. Charu Chandra Sanyal |

**NOES—27.**

| | |
|---|---|
| Mr. Abdulla-al-Mahmud | Mr. G. J. K. Hook |
| Mr. Sultanuddin Ahmed | Mr. Latafat Hossain |
| Rai Bahadur Dhirendra Lal Barua | Alhaj Yar Ali Khan |
| Mr. Reajuddin Bhuiya | Khan Sahib Mobarak Ali Khan |
| Mr. L. P. S. Bourne | Mr. Abdul Latif |
| Khan Bahadur Syed Abdur Rashid Chowdhury. | Mr. George Morgan |
| Mr. Chowdhury Moazzem Hussain | Khan Bahadur Gyasuddin Pathan |
| Mr. Abdul Hamid Chowdhury | Khan Bahadur Mokhlesur Rahman |
| Khan Bahadur Abdul Latif Chowdhury | Mr. Abdur Rashid |
| Syed Fazle Rabbi Chowdhury | Mr. Amulyadhone Roy |
| Mr. C. E. Clarke | Miss Ethel Robertson |
| Mrs. Labanyaprova Dutt | Dr. Kasimuddin Talukdar |
| Sir Md. Azizul Haque, Khan Bahadur | Mr. Md. Taufiq |
| | Khan Sahib Maulvi Wahiduzzaman |

Ayes being 10 and Noes 27 the amendment was lost.

**Mr. PRESIDENT:** The question before the House is that clause 18 stand part of the Bill.

(The question was put and agreed to.)

*Clause 18A.*

**Mr. PRESIDENT:** This clause cannot be taken up now, because if amendments on clauses 14 and 15 are admissible, then only this will be admissible, otherwise not. So, let this clause be held over.

*Clause 19.*

**Mr. PRESIDENT:** The question is that clause 19 stand part of the Bill.

**Mr. CHARU CHANDRA SANYAL:** Sir, I beg to move that in sub-clause (*1*) of clause 19 of the Bill, after the word "knowingly" in line 1, the words "offers or pays or" be inserted

Sir, this clause deals with the penalty for recovering rent in excess of the standard rent. It is only the receiver who comes under the provisions of this Act, but I think the giver also must be roped in because he is also a party to an illegal transaction, and so my amendment aims at both the receiver and the giver.

**Mr. PRESIDENT:** Amendment moved that in sub-clause (*1*) of clause 19 of the Bill, after the word "knowingly" in line 1, the words "offers or pays or" be inserted.

**The Hon'ble Mr. FAZLUR RAHMAN:** I simply oppose it.

**Mr. PRESIDENT:** The question before the House is that in sub-clause (*1*) of clause 19 of the Bill, after the word "knowingly" in line 1, the words "offers or pays or" be inserted.

The question was put and lost.

**Mr. CHARU CHANDRA SANYAL:** Sir, I beg to move that in sub-clause (*1*) of clause 19 of the Bill, for the words "the party aggrieved" in line 7, the words "the tenant or the landlord as the case may be" be substituted.

**Mr. PRESIDENT:** Amendment moved that in sub-clause (*1*) of the Bill for the words "the party aggrieved" in line 7, the words "the tenant or the landlord as the case may be" be substituted.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I oppose it.

**Mr. PRESIDENT:** The question before the House is that in sub-clause (*1*) of clause 19 of the Bill, for the words "the party aggrieved" in line 7, the words "the tenant or the landlord as the case may be" be substituted.

The motion was put and lost.

**Khan Bahadur A. M. SHAHOODUL HAQUE:** Sir, I beg to move that in sub-clause (*1*) of clause 19 of the Bill for the words beginning with "whoever knowingly" and ending with "party aggrieved be liable" in lines 1 to 11, the following be substituted, namely:—

"(*1*) Whoever knowingly—

(*a*) receives whether directly or indirectly any sum on account of the rent of any premises in excess of the standard rent, or

(*b*) receives whether directly or indirectly, or invites, offers or asks for, any premium, salami, fine or any other like sum in addition to the standard rent except as provided in section 7, or

(*c*) receives whether directly or indirectly any sum as rent in advance in excess of one month's rent without the written consent of the Controller,

shall on the complaint of the party aggrieved or of the Provincial Government be liable—"

Sir, the amendment is more or less consequential upon this House accepting it in connection with clause 6 of the Bill which is an obligatory clause and this is a penal clause. This addition to the clause seeks a remedy. But here the "Provincial Government" has also been added. I do not want to make a long speech. It is a consequential amendment and I hope the House will accept it.

**Mr. PRESIDENT:** Amendment moved that in sub-clause (*1*) of clause 19 of the Bill, for the words beginning with "whoever knowingly" and ending with "party aggrieved be liable" in lines 1 to 11, the following be substituted, namely:—

"(*1*) Whoever knowingly—

(*a*) receives whether directly or indirectly any sum on account of the rent of any premises in excess of the standard rent, or

(*b*) receives whether directly or indirectly, or invites, offers or asks for, any premium, salami, fine or any other like sum in addition to the standard rent except as provided in section 7, or

(*c*) receives whether directly or indirectly any sum as rent in advance in excess of one month's rent without the written consent of the Controller,

shall on the complaint of the party aggrieved or of the Provincial Government be liable—"

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I accept it.

**Mr. PRESIDENT:** The question before the House is that in sub-clause (*1*) of clause 19 of the Bill for the words beginning with "whoever knowingly" and ending with "party aggrieved be liable" in lines 1 to 11, the following be substituted, namely:—

"(*1*) Whoever knowingly—

(*a*) receives whether directly or indirectly any sum on account of the rent of any premises in excess of the standard rent, or

(*b*) receives whether directly or indirectly, or invites, offers or asks for, any premium, salami, fine or any other like sum in addition to the standard rent except as provided in section 7, or

(*c*) receives whether directly or indirectly any sum as rent in advance in excess of one month's rent without the written consent of the Controller,

shall on the complaint of the party aggrieved or of the Provincial Government be liable—"

The motion was put and agreed to.

**Mr. PRESIDENT:** The question before the House is that clause 19 as amended stand part of the Bill.

(The motion was put and agreed to.)

*Clause 20.*

**Mr. PRESIDENT:** Clause 20 stand part of the Bill.

The question before the House is that clause 20 stand part of the Bill.

(The motion was put and agreed to.)

*Clause 21.*

**Mr. PRESIDENT:** Clause 21 stand part of the Bill.

The question before the House is that clause 21 stand part of the Bill.

(The motion was put and agreed to.)

*Clause 21A.*

**Mr. PRESIDENT:** Clause 21A stand part of the Bill.

**Rai Bahadur JOGENDRA NATH RAY:** Sir, I beg to move that in clause 21A of the Bill for the word "three" in line 2 the word "six" be substituted.

Sir, the time allowed is extremely short. So, I have moved this amendment.

**Mr. PRESIDENT:** Amendment moved that in clause 21A of the Bill for the word "three" in line 2 the word "six" be substituted.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I accept the amendment.

**Mr. PRESIDENT:** The question before the House is that in clause 21A of the Bill for the word "three" in line 2 the word "six" be substituted.

(The motion was put and agreed to.)

**Mr. PRESIDENT:** The question before the House is that clause 21A as amended stand part of the Bill.

(The motion was put and agreed to.)

*Clause 22.*

**Mr. PRESIDENT:** Clause 22 stand part of the Bill.

The question before the House is that clause 22 stand part of the Bill.

(The motion was put and agreed to.)

*Clause 22A.*

**Mr. PRESIDENT:** Clause 22A stand part of the Bill.

The question before the House is that clause 22A stand part of the Bill.

(The motion was put and agreed to.)

*Clause 23.*

**Mr. PRESIDENT:** Clause 23 stand part of the Bill.

The question before the House is that clause 23 stand part of the Bill.

(The question was put and agreed to.)

*Clause 24.*

**Mr. PRESIDENT:** Clause 24 stand part of the Bill.

**Mr. ABDUL RASHID:** May I have your permission, Sir, to move amendment No. 128 on behalf of Mr. Nur Ahmed who is absent?

**Mr. PRESIDENT:** That is not the usual practice.

**The Hon'ble Mr. FAZLUR RAHMAN:** Government sometimes move so.

**Mr. SULTANUDDIN AHMED:** As Mr. Nur Ahmed is absent, Sir, I think it can be allowed.

**Mr. PRESIDENT:** I am sure it will create an undesirable precedent.

**Mr. SULTANUDDIN AHMED:** A member may be unavoidably absent on a particular day. It may be in the interest of all concerned to have this amendment discussed in the House.

**Mr. PRESIDENT:** If the entire House agrees to it I have no objection.

(Cries of "no", "no" from the Opposition Benches.)

**Mr. PRESIDENT:** In the circumstances clause 24 is held over just to give Mr. Nur Ahmed a chance to come and move it tomorrow.

**Mr. BIREN ROY:** That is all right, Sir.

*Clause 25.*

**Mr. PRESIDENT:** Clause 25 stand part of the Bill.

**The Hon'ble Mr. FAZLUR RAHMAN:** In view of the fact that the Bengal Ordinances Temporary Enactment Bill, 1947, has already been passed by both the Houses of the Legislature and inasmuch as that Bill contains among other Ordinances, the Calcutta Rent Ordinance, 1946, some consequential changes have to be made in this Calcutta Rent Bill, i.e., a clause will have to be incorporated in this Calcutta Rent Bill to repeal that Rent Ordinance. I shall move a short notice amendment, Sir, with your permission, later on.

**Mr. PRESIDENT:** Such being the case let clause 25 stand over for the present.

*Clause 26.*

**Mr. PRESIDENT:** Clause 26 stand part of the Bill.

**Mr. L. P. S. BOURNE:** Sir, I move that in sub-clause (*1*) of clause 26 of the Bill, after the word "may" in line 1, the commas and words "subject to the condition of previous publication", be inserted.

Sir, the reason for this amendment is obvious and you will not want me to waste the time of the House by explaining the amendment. The Bill is of such general public importance that it is only right that the public should have a chance to see the Rules which Government intend to bring in to implement the clauses of the Bill when it is passed. It is for this reason, Sir, and the interest the general public is taking in the progress of this Bill that I ask the Government to accept this amendment.

**Mr. PRESIDENT:** Amendment moved that in sub-clause (*1*) of clause 26 of the Bill, after the word "may" in line 1, the commas and words "subject to the condition of previous publication", be inserted.

**The Hon'ble Mr. FAZLUR RAHMAN:** I accept the amendment.

**Mr. PRESIDENT:** The question before the House is that in sub-clause (*1*) of clause 26 of the Bill, after the word "may" in line 1, the commas and words "subject to the condition of previous publication", be inserted.

(The question was put and agreed to.)

**Mr. PRESIDENT:** The question before the House is that clause 26 as amended stand part of the Bill.

(The question was put and agreed to.)

*Clause 10.*

**Mr. PRESIDENT:** I now propose to take up clause 10 of the Bill.

**Rai Bahadur JOGENDRA NATH RAY:** Sir, I beg to move that sub-clause (*2*) of clause 10 be omitted.

Sir, charges on food are now being almost regulated under Bengal restrictions under the Establishment Order, 1946. Moreover, food prices vary from day to day or in many cases from season to season. Therefore in fixing the rent or charge for room or rooms charges for food has not been excluded. So it is the occupants or tenants upon whose mercy they remain, and under these circumstances the provision is anomalous and it is to correct this that I move my amendment and I commend it to the acceptance of the House.

**Mr. PRESIDENT:** Amendment moved that sub-clause (*2*) of clause 10 be omitted.

**The Hon'ble Mr. FAZLUR RAHMAN:** I oppose the amendment.

**Mr. PRESIDENT:** The question before the House is that sub-clause (*2*) of clause 10 be omitted.

(The question was put and agreed to.)

**Mr. ABDUL RASHID:** I beg to move that in sub-clause (*2*) of clause 10 of the Bill, for the words "on application made to him by any tenant or occupant of a room or rooms in an hotel, boarding house or lodging house, fix the rent or charge of such room or rooms" in lines 1-4, the words "of his own motion and shall on application made to him by any person interested, fix the rent or charge of any room or rooms in an hotel, boarding house or lodging house" be substituted.

**Mr. PRESIDENT:** Amendment moved that in sub-clause (*2*) of clause 10 of the Bill, for the words "on application made to him by any tenant or occupant of a room or rooms in an hotel, boarding house or lodging house, fix the rent or charge of such room or rooms" in lines 1-4, the words "of his own motion and shall on application made to him by any person interested, fix the rent or charge of any room or rooms in an hotel, boarding house or lodging house" be substituted.

**Mr. SULTANUDDIN AHMED:** May I read an amendment to this amendment?

**Mr. PRESIDENT:** Do you want to modify amendment 47A?

**Mr. SULTANUDDIN AHMED:** Yes, Sir. It reads as follows:—

That in sub-clause (*2*) of clause 10 of the Bill—

(*1*) for the words "on application made to him by any tenant or occupant of a room or rooms in an hotel, boarding house or lodging house, fix the rent or charge of such room or rooms" in lines 1-4, the words "of his own motion and shall on application made to him by any person interested, fix the charge for any room or rooms in an hotel, boarding house or lodging house" be substituted;

(*2*) the words "rent or" in line 8 be omitted.

That in proviso to sub-clause (*2*) of clause 10 of the Bill—

(*1*) for the words "rent or charge of" in line 1, the words "charge for" be substituted;

(*2*) the words "rent or" in line 3 and in line 4 be omitted.

**Mr. PRESIDENT:** What I suggest is that with the permission of the House the original amendment No. 47A which has been moved by Government may be withdrawn and this amendment may be substituted in place of the original amendment. Has the House any objection to that? I take it there is no objection. So amendment No. 47A is withdrawn. Now Mr. Sultanuddin Ahmed will move his amendment.

**Mr. SULTANUDDIN AHMED:** I beg to move that in sub-clause (*2*) of clause 10 of the Bill—

(*1*) for the words "on application made to him by any tenant or occupant of a room or rooms in an hotel, boarding house or lodging house, fix the rent or charge of such room or rooms" in lines 1-4, the words "of his own motion and shall on application made to him by any person interested, fix the charge for any room or rooms in an hotel, boarding house or lodging house" be substituted;

(2) the words "rent or" in line 8 be omitted.

That in the proviso to sub-clause (2) of clause 10 of the Bill—

(1) for the words "rent or charge of" in line 1, the words "charge for" be substituted;

(2) the words "rent or" in line 3 and in line 4 be omitted.

**Mr. PRESIDENT:** The modified amendment has been moved. I suggest that discussion on this amendment may be taken up tomorrow. In the meantime the amendment may be examined by the department.

Amendment moved that in sub-clause (2) of clause 10 of the Bill—

(1) for the words "on application made to him by any tenant or occupant of a room or rooms in an hotel, boarding house or lodging house, fix the rent or charge of such room or rooms" in lines 1-4, the words "of his own motion and shall on application made to him by any person interested, fix the charge for any room or rooms in an hotel, boarding house or lodging house" be substituted;

(2) the words "rent or" in line 8 be omitted.

That in proviso to sub-clause (2) of clause 10 of the Bill—

(1) for the words "rent or charge of" in line 1, the words "charge for" be substituted;

(2) the words "rent or" in line 3 and in line 4 be omitted.

**Mr. C. MORGAN:** On a point of information, Sir. This amendment is not in our hands at all——

**Mr. PRESIDENT:** That is why I am suggesting that discussion on this amendment should take place tomorrow. In the meantime a copy of this amendment should be circulated to each member——

**Mr. C. MORGAN:** Will it be available before the discussion tomorrow?

**Mr. PRESIDENT:** Yes, by this evening it will be circulated.

**Mr. PRESIDENT:** The House stands adjourned till 1-15 p.m. tomorrow.

## Adjournment.

The Council was then adjourned till 1-15 p.m. on Thursday, the 27th March, 1947.

## Members absent.

The following members were absent from the meeting of the Council held on the 26th March, 1947:—

(1) Mr. Mamidul Huq Chowdhury,

(2) Khan Bahadur Sheikh Fazal Ellahi,

(3) Mr. Eric Dermot Doyne,

(4) Alhadj Khan Bahadur Shaikh Muhammad Jan,

(5) Mr. Humayun Z. A. Kabir,

(6) Mr. Syed Abdul Majid,

(7) Mr. Nagendra Nath Mahalanobish,

(8) Mr. T. B. Nimmo,

(9) Dr. Kumud Sankar Ray,

(10) Haji Md. Yusuf, and

(11) Mr. Nur Ahmed.

WBGP-48/9-1096A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session, 1947—No. 26.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 27th March, 1947, at 1-15 p.m., being the 26th day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTIONS AND ANSWERS

### Production of cloth by Bengal's textile mills and handlooms.

**74. Mr. NUR AHMED:** (a) Will the Hon'ble Minister in charge of the Department of Commerce, Labour and Industries be pleased to state if it is a fact that Bengal's textile mills and handlooms produce only up to 40 per cent. of cloth required for Bengal's growing population and the other 60 per cent. is imported from other Provinces?

(b) If so, what special measures have been taken by the Government for development of Bengal's handloom weaving and textile mill industries in Bengal?

(c) What is the total number of spindles allotted to Bengal by the Government of India recently and how many mills are going to be started in Bengal to produce the other 60 per cent. and at what places these mills would be started and by whom?

(d) What steps are being taken to secure a larger quota of spindles and yarn for handlooms of Bengal?

**Mr. ABDUL RASHID, Parliamentary Secretary (on behalf of the Minister in charge of the Department of Commerce, Labour and Industries):** (a) Yes.

(b) Development of cotton textile industry is being planned by the Government of India on an all-India basis. For expansion of existing mills and setting up of new ones, the Government of India have allotted 325,000 spindles to this Province. Out of the above quota, about 68,000 spindles have been set apart specially for supplying yarn to handloom weavers whose present principal difficulty lies in securing yarn for their looms. The establishment of a spinning mill by this Government for supply of yarn to handloom weavers has also engaged active consideration of the Hon'ble Minister.

(c) 325,000 spindles. A statement showing the names of the existing mills and the new ones to whom the above spindles have been allotted is placed in the Library. The places where the new mills will be started are not yet definitely known as some of the mills have not yet finished selection of sites and land acquisition.

(d) Hon'ble Minister and the Hon'ble Chief Minister have come into personal contact with the Government of India officials and have also written to them emphasising the need for allotment of additional quota of spindles for Bengal. He has already pointed out that out of the present quota of spindles for Bengal, production of yarn by about 68,000 spindles has been earmarked for distribution to handlooms. Representations have been and are being made to the Government of India for supply of larger quota of yarn for handlooms of Bengal.

**Mr. HARIDAS MAZUMDAR:** As regards the promise of the Hon'ble Minister in charge of Commerce and Labour yesterday to make a statement today regarding the tramway strike——

**Mr. PRESIDENT:** There are yet questions Nos. 76 and 77 for reply. You please raise the point after the questions are over.

### Recommendations of the Jail Enquiry Committee.

**76. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state what steps have been taken by the Government of Bengal to give effect to the recommendations of the Jail Enquiry Committee regarding the reform in jail administration and also in the condition of prisoners and under-trial prisoners?

(*b*) What are the special measures taken by the Government of Bengal to reform and ameliorate the conditions of prisoners by giving them educational facilities and giving temporary leave to visit their families or home?

**Mr. ABDUL RASHID, Parliamentary Secretary (on behalf of the Minister in charge of the Home Department):** (*a*) A statement is placed in the Library.

(*b*) The honourable member is referred to paragraph 6 of the statement. Temporary leave is not given to prisoners to visit their families or home.

### Tube-wells in Bengal.

**77. Mr. CHARU CHANDRA SANYAL:** Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state—

(*a*) the number of existing derelict tube-wells in Bengal, district by district, and when they were sunk;

(*b*) the number and description (width and depth) of tube-wells to be sunk in each district according to the five-year scheme of the Government of Bengal;

(*c*) the average cost of repair of each derelict tube-well and of sinking each tube-well;

(*d*) whether hand pumps or power pumps were used for lifting water from these tube-wells;

(*e*) at what cost the hand pumps were purchased—the average cost of each—the average number of times in a year they went out of order and the average cost of repair of each per year; and

(*f*) the average cost of a power pump, if used?

**Mr. ABDUL RASHID, Parliamentary Secretary (on behalf of the Minister in charge of the Department of Health and Local Self-Government):**

(*a*) Government have no record of the dates on which the tube-wells were sunk in various parts of the Province. Most of these tube-wells were sunk by Union Boards and District Boards and these Boards do not send lists of tube-wells sunk from year to year to Government. Nor are Government at present in possession of a complete list of derelict tube-wells in the Province. A survey has been undertaken to compile such a list. This survey is still in progress and not until the survey is completed will Government have full information on the subject.

(*b*) In the five years ending 1950-51 10,000 new tube-wells are proposed to be sunk. Number of tube-wells for each district will depend upon the population. It is the intention of Government to provide one source of water-supply for every 500 persons. Besides new sinking, 15,000 choked up tube-wells are proposed to be withdrawn and resunk. The same basis of operation will be adopted. Diameter of tube-wells will be 1½ inches. Depths

of tube-wells vary from district to district and from village to village. Approximate idea of depth of tube-wells is given in the list laid on the Library Table.

(*c*) Average cost of resinking of tube-well with new strainer and pumps on an average basis of 300 feet would be approximately Rs.500.

The average cost of a new tube-well is Rs.750.

(*d*) Hand pumps.

(*e*) Average cost of a handpump is Rs.20. As Government have so far not been responsible for the regular maintenance of tube-wells Government have no record to show how often a hand pump was out of order in course of a year.

(*f*) The cost of a power pump depends on the duty it is called upon to perform. For a power pump to be fitted on a 1½ feet diameter tube-well, as is generally sunk in rural areas, the cost is between Rs.400 and Rs.500, provided there is supply of electricity in the area concerned. If, however, there is no electricity in the area a power pump for a similar tube-well will cost between Rs.1,500 and Rs.2,000.

**Mr. CHARU CHANDRA SANYAL:** Will the Parliamentary Secretary please state whether the cost given in (*c*), (*e*) and (*f*), is pre-war cost or the present-day cost? Because the cost seems to be too low?

**Mr. ABDUL RASHID:** I want notice.

**Mr. PRESIDENT:** Questions over.

### Tramway strike.

**Mr. HARIDAS MAZUMDAR:** Sir, with reference to the assurance given by the Hon'ble Minister in charge of Commerce and Labour that he would reply to my short-notice question regarding the tram strike, I find that he is not present in the House. Will any statement be made today, Sir? I do not know what will be the fate of that assurance.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Sir, the Hon'ble Minister is not here and I cannot say anything——

**Mr. HARIDAS MAZUMDAR:** So far as I remember, the Hon'ble the Leader of the House informed the Minister concerned about this matter and an assurance was given on the floor of the House that the matter would be replied today. Sir, it is an urgent matter, and I do not like to comment on it. People are suffering horribly. The Hon'ble Minister perhaps does not understand the difficulty of the ordinary citizens. Government in Calcutta is practically non-existent. For two months the truck is open and there are no tram cars running. In the whole world there has been no such example, Sir. Therefore, urgent steps should be taken in this regard.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** In matters like this it is always better and more convenient if short-notice questions are put to Government so that the department may give a considered reply.

**Mr. HARIDAS MAZUMDAR:** I have already put in a short-notice question.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Has the Minister agreed to answer it as a short-notice question?

**Mr. HARIDAS MAZUMDAR:** That I do not know, but yesterday Mr. Shamsuddin Ahmed gave us an assurance that he would reply to it today.

**Mr. PRESIDENT:** Order, order. The point is this: So far as I remember, the Hon'ble Minister did not agree to treat the question as a short-notice question; he wanted to reply to it as an ordinary one. That is what he stated in the House yesterday.

**Mr. HARIDAS MAZUMDAR:** But, Sir, he also mentioned later that he would reply to it to-day.

**Mr. PRESIDENT:** Yes, he assured the House that he would however reply to the question today.

**Mr. HARIDAS MAZUMDAR:** It has by now become an ordinary-notice question.

### Disturbances in Calcutta.

**Mr. LALIT CHANDRA DAS:** On a matter of information. There is an outbreak of communal disturbances in Calcutta and we should like to have a statement from any member of the Government benches regarding the situation——

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** We are not in a position to make a statement on the situation. But if the honourable member wants a statement he should put a short-notice question——

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, before this House closes today, if it is desired, the Chief Minister may be in a position to make a statement.

**Mr. HARIDAS MAZUMDAR:** Sir, with regard to the situation at Bogra, I mentioned about this matter day before yesterday and the Leader of the House asked me to wait till the return of the Minister for Civil Supplies and that he would inform him about it.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** I have communicated about it the very day he arrived, that is yesterday. He said he would get the necessary information from Bogra.

### The Calcutta Rent Bill, 1946.

**Mr. PRESIDENT:** Let us now take up the Calcutta Rent Bill, 1946.

Mr. Sultanuddin Ahmed moved his amendment yesterday and it is before the House now.

**Khan Bahadur Mr. A. M. SHAHOODUL HAQUE:** On a point of clarification,; Sir. Will the Hon'ble Minister say what would be the position if after the stipulated period the occupant does not move? What would the hotel-keeper do against the man who does not move after the period——

**Mr. PRESIDENT:** I presume that the mover will reply to it.

**Mr. BIJOY SINGH NAHAR:** On a point of information. What does the mover mean by the expression "of his own motion and shall on application made to him by any person interested"? I do not find any definition of the words "persons interested". May we have an explanation from the mover as to what does he mean by this expression?

**Mr. SULTANUDDIN AHMED:** Sir, in the former provision it was only tenant who could bring it to the notice of the Controller and he could move to the Controller for a remedy, if he felt aggrieved. But in the present amendment that right has been given to a person interested which will include the tenant himself, the occupant or a member of the hotel or any other persons who may be thereby affected. Also provision has been

made that whenever it is brought to the notice of the Controller by application by a person interested—either a hotel-keeper or any person interested in it—if it is brought to the notice of the Controller he may on his own motion take up the question and administer the remedy that appears to be fit and proper.

**Mr. BIJOY SINGH NAHAR:** Sir, I rise to oppose this amendment. We have heard the explanation of Mr. Sultanuddin Ahmed about the "person interested". This is a very dangerous clause that has been inserted. "Persons interested" has been there, they may be persons who are in occupation or they may be owners. Only two persons are interested in such cases, namely, the tenant and the landlord. By this amendment it will be open to anybody of the public to say that such and such thing happened in such and such place, and will ask the Controller to intervene in the matter. This would bring in more complications. Persons who are against some hotel-keepers may go to the Rent Controller and ask him to intervene in the matter of fixing the hotel charges and other things. This will be a hardship both to the tenant as well as to the landlord. The words "interested person" are rather vague. The meaning should be clearly explained in the definition. The words have been wrongly chosen and this would bring in more complications. By this Bill Government wants to give relief to the people, but instead of giving relief it will make matters complicated.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, the apprehension of Mr. Nahar does not seem to me to be sound. Because "person interested" has got to prove to the court that he is the person interested. Suppose a man approaches an hotel-keeper and he charges exorbitant rates from him for a room or rooms. In that case the tenant will have to go to the Rent Controller and say that he has been charged exorbitant price by the hotel-keeper. How any other person can come here. I think the expression is so clear that it does not require any definition.

With regard to the point of clarification raised by Mr. Shahoodul Haque, this does not apply to those cases where a person stays after the contractual period. Those cases will be dealt with under the ordinary law and the hotel-keeper will have remedy under that law.

**Mr. PRESIDENT:** The question before the House is: That in sub-clause (*2*) of clause 10 of the Bill—

(*1*) for the words "on application made to him by any tenant or occupant of a room or rooms in an hotel, boarding house or lodging house, fix the rent or charge of such room or rooms" in lines 1-4, the words "of his own motion and shall on application made to him by any person interested, fix the charge for any room or rooms in an hotel, boarding house or lodging house" be substituted;

(*2*) the words "rent or" in line 8 be omitted.

That in the proviso to sub-clause (*2*) of clause 10 of the Bill—

(*1*) for the words "rent or charge of" in line 1, the words "charge for" be substituted;

(*2*) the words "rent or" in line 3 and in line 4 be omitted.

The motion was put and agreed to.

**Mr. C. E. CLARKE:** Sir, I beg to move that at the end of paragraph (*ii*) of the first proviso to sub-clause (*3*) of clause 10 of the Bill, the words "and shall distinguish the amount payable as rent for the premises from the amount payable as hire of furniture" be added.

This Bill has been before the House for a long time and I do not wish to delay the proceedings by taking up the time of the House in long explanations. It is quite obvious that in order to arrive at a figure the Rent Controller must at some stage or another find out the rent of the premises as distinct from the charge for the hire of the furniture. We believe, Sir, that it is in the general public interests that this item should be made known and should be declared by the Rent Controller. I submit this amendment to the House for their approval.

**Mr. PRESIDENT:** Amendment moved that at the end of paragraph (*ii*) of the first proviso to sub-clause (*3*) of clause 10 of the Bill, the words "and shall distinguish the amount payable as rent for the premises from the amount, payable as hire of furniture" be added.

**The Hon'ble Mr. FAZLUR RAHMAN:** I oppose this amendment on the ground that it is unnecessary for the Rent Controller to fix the rent of the premises and to fix a separate charge for the hire of furniture when the house is let out on a certain rent. Rather I feel that if this is done this will cause inconvenience to the tenants and the remedies otherwise available to him will not be so available if the Rent Controller fixes a certain sum as rent of the house and a certain sum for the hire of furniture.

**Mr. PRESIDENT:** Order, order. The question before the House is that at the end of paragraph (*ii*) of the first proviso to sub-clause (*3*) of clause 10 of the Bill, the words "and shall distinguish the amount payable as rent for the premises from the amount payable as hire of furniture" be added.

The question was put and lost.

**Mr. PRESIDENT:** The question before the House is that clause 10 as amended stand part of the Bill.

The question was put and agreed to.

*Clauses 14 and 15.*

**Mr. PRESIDENT:** Now as regards clauses 14 and 15, yesterday we postponed them for considering whether the amendments which stand in the name of Mr. Clarke could be admitted to be considered by the House in view of the fact that Mr. Nur Ahmed's amendment (79A) had been rejected by the House. I have considered the matter very carefully. Mr. Clarke's amendment substituting bill clause 13 has already been accepted by the House and it is in some respects different from Mr. Nur Ahmed's amendment substituting bill clause 13. I think that slightly changes the position and I am inclined to hold that the amendments which stand in the name of Mr. Clarke can be moved; they are in order. So I now call upon Mr. Clarke to move the amendment.

**Mr. C. E. CLARKE:** I move that after clause 13 of the Bill, the following clause be added as clause 14, namely:—

Suit or proceeding for eviction for non-compliance with the provisions of the Act as to payment of rent.

14. (*1*) No suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom, in which non-compliance with the provisions of this Act as to the payment or deposit of rent due by such tenant in respect of such premises to the full extent allowable by this Act within the time specified in that behalf in this Act has been taken as a ground for such eviction, shall be entertained by any Court unless the landlord has been permitted by the Controller by an order in writing under sub-section (2) to institute such suit or proceeding and has produced before such Court proof that such permission has been granted.

(2) A landlord desiring to obtain from the Controller any order referred to in sub-section (1) permitting him to institute a suit or proceeding referred to in that sub-section against any tenant in possession of any premises for evicting such tenant therefrom shall apply in writing to the Controller in that behalf, and if, on receipt of such application, the Controller, after giving the tenant in possession of the premises an opportunity of showing cause against the application and considering all the circumstances of the case, is satisfied that there has been no such non-compliance with the provisions of this Act as to the payment or deposit of rent due by such tenant in respect of such premises, or that reasonable grounds exist for such non-compliance, and if the tenant has paid to the landlord or has deposited in the manner in which a deposit of rent is required to be made under sub-section (1) of section 16 the rent allowable by this Act in arrear before an order under this sub-section is made, the Controller shall, after recording his reasons in writing, make an order rejecting the application, but, if the Controller is not so satisfied or if the tenant has not so paid or deposited the rent allowable by this Act in arrear, the Controller shall, also after recording his reasons in writing, make the order applied for."

Sir, this amendment restores to the Bill the original clause 14 which in the opinion of my party it is essential that it should be brought into operation. The Hon'ble Minister yesterday gave his reasons for restoring clause 13 in an amended form and we consider that those reasons stand in this case also.

**Mr. PRESIDENT:** Amendment moved that after clause 13 of the Bill, the following clause be added as clause 14, namely:—

14. (1) No suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom, in which non-compliance with the provisions of this Act as to the payment or deposit of rent due by such tenant in respect of such premises to the full extent allowable by this Act within the time specified in that behalf in this Act has been taken as a ground for such eviction, shall be entertained by any Court unless the landlord has been permitted by the Controller by an order in writing under sub-section (2) to institute such suit or proceeding and has produced before such Court proof that such permission has been granted.

(2) A landlord desiring to obtain from the Controller any order referred to in sub-section (1) permitting him to institute a suit or proceeding referred to in that sub-section against any tenant in possession of any premises for evicting such tenant therefrom shall apply in writing to the Controller in that behalf, and if, on receipt of such application, the Controller, after giving the tenant in possession of the premises an opportunity of showing cause against the application and considering all the circumstances of the case, is satisfied that there has been no such non-compliance with the provisions of this Act as to the payment or deposit of rent due by such tenant in respect of such premises, or that

reasonable grounds exist for such non-compliance, and if the tenant has paid to the landlord or has deposited in the manner in which a deposit of rent is required to be made under sub-section (*1*) of section 16 the rent allowable by this Act in arrear before an order under this sub-section is made, the Controller shall, after recording his reasons in writing, make an order rejecting the application, but, if the Controller is not so satisfied or if the tenant has not so paid or deposited the rent allowable by this Act in arrear, the Controller shall, also after recording his reasons in writing, make the order applied for."

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I accept the amendment.

**Mr. PRESIDENT:** The question before the House is that after clause 13 of the Bill, the following clause be added as clause 14, namely:—

14. (*1*) No suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom, in which non-compliance with the provisions of this Act as to the payment or deposit of rent due by such tenant in respect of such premises to the full extent allowable by this Act within the time specified in that behalf in this Act has been taken as a ground for such eviction, shall be entertained by any Court unles the landlord has been permitted by the Controller by an order in writing under sub-section (*2*) to institute such suit or proceeding and has produced before such Court proof that such permission has been granted.

(*2*) A landlord desiring to obtain from the Controller any order referred to in sub-section (*1*) permitting him to institute a suit or proceeding referred to in that sub-section against any tenant in possession of any premises for evicting such tenant therefrom shall apply in writing to the Controller in that behalf, and if, on receipt of such application, the Controller, after giving the tenant in possession of the premises an opportunity of showing cause against the application and considering all the circumstances of the case, is satisfied that there has been no such non-compliance with the provisions of this Act as to the payment or deposit of rent due by such tenant in respect of such premises, or that reasonable grounds exist for such non-compliance, and if the tenant has paid to the landlord or has deposited in the manner in which a deposit of rent is required to be made under sub-section (*1*) of section 16 the rent allowable by this Act in arrear before an order under this sub-section is made, the Controller shall, after recording his reasons in writing, make an order rejecting the application, but, if the Controller is not so satisfied or if the tenant has not so paid or deposited the rent allowable by this Act in arrear, the Controller shall, also after recording his reasons in writing, make the order applied for."

The motion was put and agreed to.

**Mr. C. E. CLARKE:** Sir, I beg to move that after clause 13 of the Bill the following clause be added as clause 15, namely:—

15. Where any appeal has been presented under section 24 against an order of the Controller under sub-section (*3*) of section 13 or under sub-section (*2*) of section 14 permitting a landlord to institute a suit or proceeding in any Court or against an order of the Controller under sub-section (*3*) of section 13 permitting a landlord to recover possession of any premises by the execution of a decree or order, all proceedings in connection with such suit or proceeding or the execution of such decree or order, shall be stayed during the period such appeal is pending on intimation of such appeal being given to the Court in which such suit or proceeding has been instituted or such suit or proceeding or the execution of such degree or order is pending, as the case may be, by the person by whom such appeal has been presented."

**Mr. PRESIDENT:** Amendment moved that after clause 13 of the Bill, the following clause be added as clause 15, namely:—

15. Where any appeal has been presented under section 24 against an order of the Controller under sub-section (*3*) of section 13 or under sub-section (*2*) of section 14 permitting a landlord to institute a suit or proceeding in any Court or against an order of the Controller under sub-section (*3*) of section 13 permitting a landlord to recover possession of any premises by the execution of a decree or order, all proceedings in connection with such suit or proceeding or the execution of such decree or order, shall be stayed during the period such appeal is pending on intimation of such appeal being given to the Court in which such suit or proceeding has been instituted or such suit or proceeding or the execution of such decree or order is pending, as the case may be, by the person by whom such appeal has been presented."

**The Hon'ble Mr. FAZLUR RAHMAN:** I accept the amendment.

**Mr. PRESIDENT:** The question before the House is that after clause 13 of the Bill, the following clause be added as clause 15, namely:—

15. Where any appeal has been presented under section 24 against an order of the Controller under sub-section (*3*) of section 13 or under sub-section (*2*) of section 14 permitting a landlord to institute a suit or proceeding in any Court or against an order of the Controller under sub-section (*3*) of section 13 permitting a landlord to recover possession of any premises by the execution of a decree or order, all proceedings in connection with such suit or proceeding or the execution of such decree or order, shall be stayed during the period such appeal is pending on intimation of such appeal being given to the Court in which such suit or proceeding has been instituted or such suit or proceeding or the execution of such decree or order is pending, as the case may be, by the person by whom such appeal has been presented."

The motion was put and agreed to.

*Clause 18A*

**Mr. PRESIDENT:** Clause 18A stand part of the Bill.

**Mr. ABDUL RASHID:** Sir, I beg to move that in sub-clause (*1*) of clause 18A of the Bill, after the words "permission under" in line 3, the words and figures "section 13, section 14 or" be inserted.

**Mr. PRESIDENT:** Amendment moved that in sub-clause (*1*) of clause 18A of the Bill, after the words "permission under" in line 3, the words and figures "section 13, section 14 or" be inserted.

Question before the House is that in sub-clause (*1*) of clause 18A of the Bill after the words "permission under" in line 3, the words and figures "section 13, section 14 or" be inserted.

The motion was put and agreed to.

**Mr. ABDUL RASHID:** Sir, I beg to move that in sub-clause (*1*) of clause 18A of the Bill, after the word and figures "section 10" in line 6, the words and figures "or for obtaining his permission under section 13 or section 14" be inserted.

**Mr. PRESIDENT:** Amendment moved that in sub-clause (*1*) of clause 18A of the Bill, after the word and figure "section 10" in line 6, the words and figures "or for obtaining his permission under section 13 or section 14" be inserted.

Question before the House is that in sub-clause (*1*) of clause 18A of the Bill, after the word and figures "section 10" in line 6, the words and figures "or for obtaining his permission under section 13 or section 14" be inserted.

The motion was put and agreed to.

**Mr. PRESIDENT:** The question before the House is that clause 18A as amended stand part of the Bill.

The motion was put and agreed to.

*Clause 24.*

**Mr. PRESIDENT:** Clause 24 stand part of the Bill.

**Mr. NUR AHMED:** Sir, I beg to move that to sub-clause (*1*) of clause 24 of the Bill, the following proviso be added, namely:—

"Provided that no appeal shall lie under this sub-section from any order made by the Controller under sub-section (*3*) of section 18."

Sir, sub-section (*3*) of section 18 relates to urgent repairs and also supply of essential services in emergency cases and by that section power has been given to the Controller to order very urgent repair or supply of essential services, such as electricity or water. By this proviso I want to make it final. That proviso was omitted in the Select Committee but I think in emergency cases where the repair is very urgent and which may endanger life and property the order of the Controller should be final. If one has to go to higher court it may take months and in the meantime the tenant may suffer for want of these essential services.

So, I propose this amendment.

**Mr. PRESIDENT:** Amendment moved that to sub-clause (*1*) of clause 24 of the Bill, the following proviso be added, namely:—

"Provided that no appeal shall lie under this sub-section from any order made by the Controller under sub-section (*3*) of section 18."

**The Hon'ble Mr. FAZLUR RAHMAN:** I accept the amendment.

**Mr. PRESIDENT:** Order, order. The question before the House is that to sub-clause (*1*) of clause 24 of the Bill, the following proviso be added, namely:—

"Provided that no appeal shall lie under this sub-section from any order made by the Controller under sub-section (*3*) of section 18."

The question was put and agreed to.

**Mr. ABDUL RASHID:** I beg to move that for sub-clause (*5*) of clause 24 of the Bill, the following sub-clause be substituted, namely:—

"(*5*) The High Court, on application made in that behalf by any person aggrieved by an order passed in appeal by the Chief Judge or the District Judge or a person appointed under sub-section (*2*) either imposing, or confirming any order passed by the Controller imposing a fine under section 19 or section 20, may, where the fine is not less than five hundred rupees and such application is made within thirty days of the date of such order, call for and examine the record of such appeal and, after giving the parties an opportunity of being heard, revise the order passed in such appeal.

(*6*) All decisions of the Chief Judge or the District Judge or a person appointed under sub-section (*2*), as the case may be, shall, subject to the provisions of sub-section (*5*), be final."

**Mr. PRESIDENT:** Amendment moved that for sub-clause (*5*) of clause 24 of the Bill, the following sub-clause be submitted, namely:—

"(*5*) The High Court, on application made in that behalf by any person aggrieved by an order passed in appeal by the Chief Judge or the District Judge or a person appointed under sub-section (*2*) either imposing or confirming any order passed by

the Controller imposing a fine under section 19 or section 20, may where the fine is not less than five hundred rupees and such application is made within thirty days of the date of such order, call for and examine the record of such appeal and, after giving the parties an opportunity of being heard, revise the order passed in such appeal.

(*6*) All decisions of the Chief Judge or the District Judge or a person appointed under sub-section (*2*), as the case may be, shall, subject to the provisions of sub-section (*5*), be final."

**Mr. KAMINI KUMAR DUTTA:** With regard to this amendment proposed to clause 24, though apparently it seems to be very innocent, yet it seems to be pregnant with very serious consequences because under the Calcutta Rent Control Ordinance which is now converted into an Act the Hon'ble the High Court would have the revisional jurisdiction under section 115 of the Civil Procedure Code and all orders would be subject to revision as a motion by the Hon'ble the High Court. Of course under the Ordinance it was in doubt whether the ordering authority set up by the Ordinance was a court. The orders given by the Chief Judge and the District Judge will be an order given by the Court. So the High Court had the jurisdiction to interfere in revision under section 115 of the Civil Procedure Code. But it appears that by this sub-clause (*6*) of this amendment this jurisdiction of the Hon'ble the High Court is intended to be taken away though in sub-clause (*5*) apparently some relief has been given in respect of particular orders as to fine passed in appeal, but at the same time it will be very injurious if the revisional jurisdiction of the High Court would be taken away by this sub-clause (*6*). So I would draw the attention of those who want to have this amendment to consider whether this sub-clause (*6*) can be eliminated. So far as sub-clause (*5*) is concerned there is nothing to object. It is all right and the High Court has been given almost the powers of a second appellate court; but, at the same time, by sub-clause (*6*) regarding other orders, and there are many other orders of a very important character passed either by the Chief Judge or the District Judge, the ordinary jurisdiction of the Hon'ble High Court to be exercised for the execution of orders ought not to be removed and taken away and I would again say that the matter should be very carefully considered because they are matters affecting the rights of the people and there ought not to be any law by which the rights of the people to approach the highest tribunal of the land should be affected. The people should not be deprived of their right of having an illegal order passed by any of these courts, either of the Chief Judge or of the Dictrict Judge, removed, or in other words that their judgment should be made final. I would object to this amendment, particularly to sub-clause (*6*).

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, the Hon'ble the Leader of the House is labouring under a misapprehension. There is really no difference between an Ordinance and a legislature passed by this House because so far as their legislative character is concerned, both are Acts. Therefore, the position has not been changed in any way by this Act. Then, again, the provision in this clause has not made the Chief Judge or the District Judge a Court. They are only *persona designata;* they are not a court, and we have not used that word here. We have simply used the words "Chief Judge" and "District Judge". They are really *persona designata*, and they do not constitute a court. The position has not in any way been changed by the Ordinance or an Act. I hope this will satisfy the Hon'ble the Leader of the Opposition.

**Mr. PRESIDENT:** The question before the House is that for sub-clause (*5*) of clause 24 of the Bill, the following sub-clauses be substituted, namely:—

"(*5*) The High Court, on application made in that behalf by any person aggrieved by an order passed in appeal by the Chief Judge

or the District Judge or a person appointed under sub-section (2) either imposing, or confirming any order passed by the Controller imposing a fine under section 19 or section 20, may, where the fine is not less than five hundred rupees and such application is made within thirty days of the date of such order, call for and examine the record of such appeal and, after giving the parties an opportunity of being heard, revise the order passed in such appeal.

(6) All decisions of the Chief Judge or the District Judge or a person appointed under sub-section (2), as the case may be, shall, subject to the provisions of sub-section (5), be final".

The question was put and agreed to.

The question that clause 24 as amended stand part of the Bill was then put and agreed to.

*Clause 25.*

**Mr. ABDUL RASHID:** I beg to move that for clause 25 of the Bill, the following clause be substituted, namely:—

"25. (1) The Bengal Ordinances Temporary Enactment Act, 1947, in so far as it enacts and continues in operation the provisions of the Calcutta Rent Ordinance, 1946, is hereby repealed.

(2) Any rules, orders and appointments made or any appointment deemed to have been made or anything done or any action taken or any proceedings commenced or deemed to have been commenced under any of the provisions of the said Ordinance shall continue in force in so far as they are consistent with this Act and shall be deemed to have been made, done, taken or commenced under the corresponding provision of this Act."

**Mr. PRESIDENT:** I hope copies of this amendment have been supplied to honourable members.

**Mr. BIJOY SINGH NAHAR:** We are just now getting, Sir.

**The Hon'ble Mr. FAZLUR RAHMAN:** I would just like to point out to the Honourable the Leader of the Opposition that clause 25 remains as it is. Only one clause, namely, the repealing clause, has been added to it.

**Mr. BIREN ROY:** All right, we do not oppose.

**Mr. PRESIDENT:** Amendment moved that for clause 25 of the Bill, the following clause be substituted, namely:—

"25. (1) The Bengal Ordinances Temporary Enactment Act, 1947, in so far as it enacts and continues in operation the provisions of the Calcutta Rent Ordinance, 1946, is hereby repealed.

(2) Any rules, orders and appointments made or any appointment deemed to have been made or anything done or any action taken or any proceedings commenced or deemed to have been commenced under any of the provisions of the said Ordinance shall continue in force in so far as they are consistent with this Act and shall be deemed to have been made, done, taken or commenced under the corresponding provision of this Act."

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I accept the amendment. In this connection, Sir, I would record my appreciation of the help that the honourable members of all parties have given me in the smooth passage of this Bill. I need not explain that this is a measure which is intended to benefit a large section of the people and this will be welcome by all.

**Mr. PRESIDENT:** The question before the House is that for clause 25 of the Bill, the following clause be substituted, namely:—

"25. (1) The Bengal Ordinances Temporary Enactment Act, 1947, in so far as it enacts and continues in operation the provisions of the Calcutta Rent Ordinance, 1946, is hereby repealed.

(2) Any rules, orders and appointments made or any appointment deemed to have been made or anything done or any action taken or any proceedings commenced or deemed to have been commenced under any of the provisions of the said Ordinance shall continue in force in so far as they are consistent with this Act and shall be deemed to have been made, done, taken or commenced under the corresponding provision of this Act."

The motion was put and agreed to.

**Mr. PRESIDENT:** The question before the House is that clause 25 as amended stand part of the Bill.

The motion was put and agreed to.

*Title and Preamble.*

**Mr. PRESIDENT:** The question before the House is that the Title and Preamble stand part of the Bill.

The motion was put and agreed to.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I beg to move that the Bill as settled in the Council be passed——

**Mr. BIREN ROY:** How can he move it at this stage, Sir? Third reading cannot take place today——

**Mr. PRESIDENT:** Do you object?

**Mr. BIREN ROY:** Yes, Sir.

**Mr. PRESIDENT:** Then, I think, it should be taken up on Monday next. As some of the amendments have been carried and it is a complicated measure, I therefore hold that it should be taken up on Monday next.

**Mr. ABDUL RASHID:** May we not take up the other Bill, Sir, because there is still time today?

**Mr. PRESIDENT:** We have the practice here not to take up other Bills when one Bill is pending——

**Mr. ABDUL RASHID:** But, Sir, there is ample time today——

**Mr. PRESIDENT:** It is not the practice, Mr. Rashid, and I am not going to introduce a practice which is not salutary.

**Mr. KAMINI KUMAR DUTTA:** And we object to it. With regard to sitting tomorrow, we were given to understand yesterday that tomorrow there would be no sitting, the reason being that tomorrow there would be a general strike. But it now appears that there will be no strike—at least this has been postponed. Now, Sir, I find that the concensus of opinion of my party seems that as they made arrangement according to the arrangement of yesterday and on that understanding they would not like to have any sitting tomorrow.

**The Hon'ble Mr. FAZLUR RAHMAN:** Government have no objection.

**Mr. PRESIDENT:** Then we sit on Monday. The House stands adjourned till 1-45 p.m. on Monday next.

## Adjournment.

The Council then adjourned till 1-45 p.m. on Monday, the 31st March 1947.

## Members absent.

The following members were absent from the meeting of the Council held on the 27th March, 1947:—

(1) Mr. L. P. S. Bourne,
(2) Mr. Hamidul Huq Chowdhury,
(3) Mr. Yusuf Ali Choudhury,
(4) Mr. Eric Dernot Doyne,
(5) Khan Bahadur Sheikh Fazal Ellahi,
(6) Mr. Mungturam Jaipuria,
(7) Alhadj Khan Bahadur Sheikh Md. Jan,
(8) Mr. Humayun Z. A. Kabir,
(9) Mr. Syed Abdul Majid,
(10) Mr. Nagendra Nath Moholanobish,
(11) Mr. T. B. Nimmo,
(12) Dr. Kumud Sankar Ray,
(13) Mr. Birendra Kishore Roy Chowdhury,
(14) Miss Ethel Robertson, C.S.P.,
(15) Mr. Md. Taufiq and
(16) Khan Sahib Maulvi Wahiduzzaman.

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# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947—No. 27.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on the 31st March, 1947 at 1-45 p.m. being the 27th day of First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

### Obituary reference.

**Mr. PRESIDENT:** Order, order. Honourable members of the Council, it is a melancholy duty of the Chair to refer to the death of Professor Abdul Bary under very tragic circumstances and this event took place on the 28th of this month near Patna. He was a selfless worker and was the President of the Bihar Provincial Congress Committee and was for some time the Deputy Speaker of the Bihar Legislative Assembly. He was a wellknown labour leader and devoted his life to the cause of the down-trodden millions of this great country. May his soul rest in peace!

It is also my melancholy duty to refer to the death of Begum Muhammad Ali who passed away at the age of 61 in Bombay on the 28th of March, 1947. She was the worthy consort of the late Muhammad Ali and took active part in the Khilafat movement when the Ali Brothers were in jail. She was a member of the U. P. Legislative Assembly and also a member of the All-India Muslim League Working Committee. We deeply mourn her loss.

May her soul rest in peace!

I would now request the honourable members to rise in their places as a mark of respect to the departed souls.

(The members having stood in their places.)

Thank you. Now with the permission of the House I would convey the sympathy of the Legislative Council to the members of the bereaved families.

### Point of Information.

**Mr. LALIT CHANDRA DAS:** On a matter of information. I do not see the Home Minister or the Finance Minister here. This House is anxious and would like to know the situation which is now prevailing in Calcutta with respect to the riot. The other day, Sir, a hope was held out by the Hon'ble Mr. Fazlur Rahman that he would arrange that a statement on the riot situation was made by the Chief Minister or the Finance Minister during the course of that day. But they never turned up. Now, Sir, we want to know how matters stand at present because many of our party members have not turned up today probably on account of more trouble and unless arrangements are made to bring the members to the House and to take them back in safety it will not be possible for the Opposition to attend the session regularly. Unless these arrangements are made or unless the situation improves, Sir, it will be better if the House is not held for at least 10 days.

**Mr. PRESIDENT:** The Hon'ble the Leader of the House.

**The Hon'ble SYED MUAZZAMUDDIN HOSAIN:** I think I shall have to consult the Chief Minister before I can say anything in the matter, I mean in the matter of conveyance and other things and also the closing down of the House for some days.

**Mr. ABDUL RASHID:** I can say something on the subject. We have arranged from today for armed police escort and we have got a truck to bring all the members from their homes and to take them back. All the members cannot however be brought to the House all at once and they will have to take their turn.

**Mr. PRESIDENT:** Well, that is about the conveyance. What about the statement on the riot?

**The Hon'ble Mr. FAZLUR RAHMAN:** Of course I made the statement the other day that the Chief Minister will come to the House during the course of the day, before the Council dissolved, to make a statement. The Chief Minister should have come up that day but the House broke up earlier than usual. That is the reason why the Chief Minister could not make the statement the other day. The Chief Minister can be made available here today, say just a few minutes before the House rose for the day and he can make the statement.

**Mr. PRESIDENT:** I hope you will kindly send word to him.

**The Hon'ble Mr. FAZLUR RAHMAN:** Yes, Sir.

## QUESTIONS AND ANSWERS

### Muslims acting as Subdivisional Officers in the Executive Branch of the Bengal Civil Service.

**78. Khan Bahadur CHYASUDDIN PATHAN (on behalf of Khan Sahib Mobarak Ali Khan):** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state how many Muslims are acting as Subdivisional Officers in the Executive Branch of the Bengal Civil Service and how many are non-Muslims?

(*b*) Are any Sub-Deputy Magistrates acting as Subdivisional Officers and, if so, how many of them are non-Muslims and how many are Muslims?

(*c*) Are the Government willing to adopt a policy of placing Muslim and non-Muslim Subdivisional Officers in charge of each subdivision alternatively?

(*d*) If not, what other policy can the Government adopt in order to satisfy the demand of the Muslim community for the posting of Muslim Subdivisional Officers in all subdivisions?

**Mr. ABDUL RASHID, Parliamentary Secretary (on behalf of the Minister in charge of Home Department):** (*a*) Muslims—41. Non-Muslims—44.

(*b*) Yes, two. Muslim—1. Non-Muslim—1.

(*c*) Besides the undesirability of adopting such a policy from the point of view of communal harmony, it may not always be possible to arrange this cycle of Hindu and Muslim Subdivisional Officers.

(*d*) It is impossible to post Muslim Subdivisional Officers in all the subdivisions because there are not enough Muslim officers for this and even if it were possible to do so, such a policy would shatter the confidence of the other community in the administration completely.

**Dissatisfactory work of the Health Section of the District Boards in Bengal.**

**79. Khan Bahadur CHYASUDDIN PATHAN (on behalf of Khan Bahadur A. M. Shahoodul Haque):** (*a*) Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state whether he is aware that the Public Health Section of the District Boards in Bengal is not working satisfactorily?

(*b*) If so, what are the reasons?

(*c*) Do the Government propose to provincialise the same? If so, when?

(*d*) If not, why not?

**Mr. ABDUL RASHID, Parliamentary Secretary (on behalf of the Minister in charge of the Finance Department):** (*a*) Government are of opinion that the working of the Public Health Section of the District Board varies from district to district and it is not possible to make a general statement on the subject. While, however, in some districts the working of the section as a whole is satisfactory Government feel that the existing Public Health Organisation in the districts is inadequate to meet the health requirements of the Province on modern and progressive lines.

(*b*) The reasons for the inadequacy of the District Health Organisation are mainly financial. Another reason for the deficiency is the lack of a precise definition of the responsibilities of the Provincial Government and of the District Boards. This has led to some duplication of staff and to lack of co-ordination between the Government and the District Board staff.

(*c*) The question of provincialising the health services is at present under consideration of Government. While no final decision has yet been arrived at, Government are at present considering provincialisation of the health services only in those districts where the District Boards agree to such provincialisation.

(*d*) Does not arise.

**Construction of all-weather road in the district of Jalpaiguri.**

**80. Mr. CHARU CHANDRA SANYAL:** Will the Hon'ble Minister in charge of the Department of Works and Buildings be pleased to state—

(*a*) in which year the construction of Hashimara-Madarihat railway station all-weather road in the district of Jalpaiguri is to be undertaken;

(*b*) whether he is aware of the existence of the river Toorsa separating Hashimara from Madarihat; and

(*c*) whether the Government have a scheme to bridge it over?

**MINISTER in charge of the DEPARTMENT of WORKS and BUILDINGS (the Hon'ble Mr. Dwarakanath Barori):** (*a*) It is tentatively proposed to take up the construction of the road in the second year of first phase of the Five Year Road Development Programme, i.e., 1948-49.

(*b*) Yes.

(*c*) No.

**Mr. BIREN ROY:** Will the Hon'ble Minister kindly explain in view of the fact that he has given the answer to (*b*) as "yes" and has given the answer to (*a*), and the answer to (*c*) being "No", how does he mean that the railway will be able to go from Hashimara to Madarihat without a bridge?

**The Hon'ble Mr. DWARKANATH BARORI:** We have not got enough money to bridge the gaps even at the highest classes or courses. It is not possible——

**Mr. BIREN ROY:** That is not my question. My question is this: the questioner has asked whether he is aware of the existence of the river Toorsa separating Hashimara from Madarihat. There is only one river and the next question is whether Government have a scheme to bridge it over. The answer is "No". But at the same time the answer to (*a*) is tentatively proposed to take up the construction of the road linking the two places. If he does not want to have a bridge how he goes from one place to the other without a bridge?

**The Hon'ble Mr. DWARKANATH BARORI:** It will be done later on.

**Mr. BIREN ROY:** That means that Madarihat and Hashimara will not be linked now.

**The Hon'ble Mr. DWARKANATH BARORI:** But it will be done later on.

**Mr. BIJOY SINGH NAHAR:** Then the answer to (*c*) is not correct?

**The Hon'ble Mr. DWARKANATH BARORI:** Yes, for the time being.

**Mr. PRESIDENT:** Questions over.

## The Calcutta Rent Bill, 1946.

**Mr. PRESIDENT:** The House will now take up the third reading of the Calcutta Rent Bill.

The motion that the Bill as amended be passed has already been moved by the Hon'ble Minister.

**Mr. BIREN ROY:** Sir, I rise to oppose the third reading of the Bill. On principle I do not object to the control of rents in Calcutta or even in areas surrounding Calcutta in the riparian municipalities. I would not go so far as was anticipated by a Government party member, Mr. Nur Ahmed, who later on withdrew all his amendments in respect of the towns of Dacca, Darjeeling and Chittagong, Howrah of course is included within the riparian municipalities surrounding Calcutta but the Bill after all these amendments and in the shape in which it has been brought up before us for the third reading is not the one which we would like to approve. Our first objection to this would be in this manner—that in the select committee of which the Leader of the House was the Chairman and the Hon'ble Minister in charge sponsoring the Bill, was also a member, and other prominent members of the Government side as well as of the opposition, various clauses were deleted and were also changed but which have subsequently found a way into the Bill again through the good graces of Mr. Clarke, one of the members of the European party, so that all the clauses that were omitted practically were brought into the Bill. That means the Bill which was sent back to the Select Committee on the motion of the Hon'ble Minister in charge of the Bill—and with his approval it was sent back—as he said in one instance that he would find out what was to be done—that for the clauses 13, 14 and 15 the members were of the opinion that they thought it undesirable to retain the provision regarding obtaining permission of the Controller before the issue of the ejectment notice. But within two weeks how could the same member think that it is undesirable to include again the same provision. The Select Committee sat and debated and discussed and came to a decision and then in the House they changed their opinion and think that it is undesirable to include such provision. Now, Sir, coming to this aspect of the Bill as a whole—for whom the Bill is intended? It is stated by some prominent member of the European Group, which Mr. Clarke belong. Now, Sir, he stated in private that "you can tear the Bill up, it is of no use". If that be the attitude of the members supporting the amendment after such a long debate then I think the whole thing will be reduced to a farce even after passing of this Bill. This Bill I think has been a discriminatory Bill and it has been unfair to at least one particular group—

I mean the group of house-owners.....(Here some honourable members began to talk among themselves). Sir, the honourable members are talking between themselves they may be pulled up)——

**Mr. PRESIDENT:** Order, order. You may address the Hon'ble Minister through the Chair.

**Mr. BIREN ROY:** Yes, Sir, I am addressing the Hon'ble Minister through you. I was telling him through you, Sir, that before this Bill is put into operation and dictators and controllers are appointed some rules and procedure should be framed as regards the fixation of standard rent. There has been no provision made in this Bill which will give him an idea how the standard is going to be fixed. Everywhere in the Bill it has been said that standard will be fixed as it deems to be just. How are we to know what is the just rent? Mr. Clarke wanted to clarify the position of rental with furniture so that the furniture will be valued at the present market value whereas nobody tried to force an issue that the standard rent of a particular house will also be valued at the present market value of the materials. There was an amendment by Khan Bahadur Muhammad Jan that the standard as envisaged in clause 1 should not affect rent of buildings constructed after 1943. The house-owners cannot be expected to form an endowment for the protection of tenants. After all there is a profit motive and certainly you should allow certain minimum amount of profit to those investors who have no other way of livelihood. When you are so much interested about the tenants who are to pay rents you must also consider the cases of such owners of houses who practically live on the rents realised from their houses which sometimes range from Rs.10 or Rs.15 to Rs.100. In the case of these house-owners it will be really difficult to execute repairs or even to improve their leaky roof or other fittings, etc. They are forced to buy building materials from the blackmarket at higher rates. Now, the Rent Controller will certainly not give him the benefit of purchasing things at controlled rates. Besides power of increasing the rent has been completely curtailed and the maximum increase has been fixed at 10 per cent. In other provinces a maximum of 30 per cent. has been fixed. In Delhi it is 30 per cent. and in other municipalities also. I would request the Hon'ble Minister that the best thing for him to do would be to form a Rent Advisory Board in which rent dictators or rent controllers may be selected from non-official members. In that Board both sections of this House as well as of the Lower House may be taken. Their function would be to advise Government about the standard rent and also in respect of procurement of building materials from the Controllers of Iron, Cement, etc., so that the landlord might not find it difficult to get the materials. There may be zonal or regional boards, if necessary one for the riparian municipalities of Calcutta, two for Calcutta and others for the municipalities in different parts of Bengal if Government likes to extend the operation of this Act to other parts of Bengal. In fixing the standard rent another aspect of the matter may be taken into consideration. As I stated before the building of houses is also a kind of business, if you may call it and the investors certainly want a limited amount of return from such houses. In the Central Legislature even after the E. P. Tax a rebate of 6 per cent. on the capital outlay has been allowed. Now, if the business people can have a 6 per cent. rebate certainly the house-owners considering the depreciation and other things may also claim rebate on the total value of the buildings. Even if the building is not a new one the rebate should not fall below 5 per cent. because after all the buildings must be maintained in a habitable condition as is envisaged in this Bill or as is desirable. I would request the Hon'ble Minister, if he chooses to operate this Bill in the interests of the tenants and also intends to give a fair deal to the landlords, to have a middle class house building society sponsored by Government and through that society or through some such small societies which may come forward to the Government for the building of houses, controlled materials may be

allowed to these individuals willing to build houses and the standard rent for such buildings may be fixed beforehand so that actually buildings may be built up in larger numbers in Calcutta for the tenants and for the amelioration of the conditions of those who are even now in this Pakistanisation scheme being uprooted from one part to another and cannot find accommodation. Now, Sir, we are fully in favour of the salutary provisions for penalising those who are asking for salami or some other forms of exorbitant charges, but, at the same time, Sir, we should ask for the protection of the Government against this Bill being used against the interests of any landlord for the purpose of harassing them. With this end in view, Sir, we wanted some reasonable amendments to be incorporated in the Bill, one of them being that all repairs are to be undertaken by tenants when such damages are caused by the tenants themselves and that the same sort of enquiry should be instituted in this behalf as is to be prescribed in this Bill or in the Rules to be made thereunder hereafter, about the damages to be repaired by the house-owner when such a place will be reported to the Controller by a tenant as damaged and should be repaired at once. In such cases, Sir, these should have been reciprocated by Government but even this reasonable thing was thrown out on the plea that the house-owner can have his remedy by going to court. Why should you bring in the court when it concerns the landlord and when it is a question concerning a tenant you bring in the Controller so that the house-owner cannot have access to the court? You should give a fair deal to everybody.

Now, about the amendments which have been moved and even passed it is useless now to carry on much discussion on those points, and the only thing, that we, at the time of opposing the Bill at this stage, may state would be that when the Controllers are appointed in Calcutta, as there will be several of them, I believe, they should be appointed with particular reference to the communities who will at least look after the different zones in Calcutta, as for instance, there should be a Muslim Controller for the areas where the Muslims are in a majority in Calcutta, e.g., Park Circus, Entally and other areas, and a Hindu Controller for the southern areas say Bhowanipore, Ballygunge, Alipore and this side. Otherwise the hardships will only be more and more. (The Hon'ble Mr. Fazlur Rahman: Why? You will find it when the operations under this Act will begin. Therefore my advice to you would be to appoint, immediately with the appointment of the Controller, a non-official Rent Advisory Board—if necessary even zonal Boards—to advise the Controller in respect not only to the fixation of rents but for the purpose of giving sanction to ejectments and for the purpose of inspection of repairs, damages and other things.

With this request to the Hon'ble Minsiter, Sir, I oppose the third reading of the Bill although we know that our opposition will be of no use and it will be passed in this House.

**Mr. NUR AHMED:** Sir, I rise to support the motion moved by the Hon'ble Minister for the passing of this Bill. Sir, questions have been raised in the House more than once about the principle underlying this bill. Mr. Biren Roy, who had just now sat down, charged us that the bill has been altogether altered in this House, that the changes made by the Select Committee have been undone in this House and the result will be that it will harshly operate against the landlords. Sir, it is an emergency measure which is going to be made the law of the land to cope with a situation created by the world war No. 2 and I support this emergency measure and it is going to be enacted to meet an emergent circumstance which has resulted from the great war which has just ended. During the war it is an admitted fact that there was an intense atmosphere of inordinate gain with very few honourable exceptions, and all who could afford were bent on making money at any cost. Sir, thus it resulted in inordinate and abnormal rise in house rent in most of the great cities; there were other causes too, namely, the influx of a large number of military personnel and the requisitioning of

many buildings, for military war purpose which caused this lack of accommodation. This led to the landlords charging abnormal rents from their tenants and these circumstances led to the emergency measures like Bengal House Rent Control Order and the Calcutta House Rent Control Order. Though the war has now ended yet the circumstances still remain. Speaking from my own experience of Chittagong I may say that some houses in Chittagong which fetched a rent of Rs.50 only have now been let out at the abnormal figure of Rs. 350 and sometimes at a much higher rate the effect of this we can easily imagine on the trade and commerce and also upon the poor tenants and specially upon middleclass people with limited incomes who had had to find accommodation at the great cities. Accordingly an Ordinance was promulgated and it has checked at least to some extent the inordinate up-grade tendency of the rents to rise. The Government propose to make this emergency legislation so that it may be continued up to such a time as it may be considered to be normal. The Bill was introduced and was referred to Select Committee. The rules prevented me from disclosing anything that happened there. It has said a known fact while there was this great panic taking place in Calcutta as a result of the 16th August great killing in Calcutta most members from the mofussil could not attend the meetings of the Select Committee regularly and also when the final report of the committee was presented and decided upon. As I have stated in my Note of Dissent the Bill has been altogether changed and altered in such a way that no useful purpose would be served if the Bill was enacted in the form in which it appeared from the Select Committee. It will not be necessary to pass this emergency legislation or to keep it up when the circumstances change. In my Minute of Dissent I pointed out the defects of the Bill. I am glad that those provisions have been removed in this House. One of the fundamental principles of the Bill is the easy procedure of getting a remedy both for the landlord and the tenant and that is embodied in clauses 13 and 14 of the Bill. As I have stated in my Note of Dissent these are the most vital clauses in the Bill and it is those clauses that were omitted in the Select Committee. Clause 13 provides that in a suit for eviction the court will give a preliminary hearing to the parties and after preliminary hearing if the the court finds that there is a good case to proceed then other evidences will be taken by the court. This procedure is contained in clause 13 of the Bill. Now, suppose a tenant pays a rent of Rs.5 or Rs.10 per month and his landlord wants him to be evicted any how. The poor tenant will have to defend that suit, he will have to engage a pleader and in the preliminary case there may be 3 or 4 hearings by the learned pleaders of both sides. In that case a man paying a rent of Rs.5 or Rs.10 will have to incur a very heavy litigation expense. I would appeal to the honourable members of the House to consider how much he will have to spend for defending his right and that after preliminary hearing if permission is given then he will have to fight the remaining portion of the case and incur further expenditure. Then, Sir, if he loses the case he is saddled with the cost of the case and he has to pay court fee and other expenses. This would have the effect of leaving him without a remedy in most cases. If he finds that he is unjustly treated and evicted from his own accommodation he has no remedy. Taking into consideration all these things the provision has been changed here, otherwise the landlord could have got a decree *ex-parte* easily and evict his tenant next day. Under the existing provision it is laid down that the landlord would apply to the Controller for previous permission and the Controller would consider if there is a good ground for eviction: if so, he will give permission to go to the court. As regards qualification of the Controller if we take that into consideration we find that the Controller will be a barrister or advocate of the Calcutta High Court of 10 years' standing. He will not be a raw man, he will be a very experienced man and the landlord will get the benefit of his mature judgment. After hearing both parties if he finds that there is a case he will give permission. In that case the laidlord will be saved of a good deal of expenditure and he will get his remedy. I fail to understand

why there is so much objection for changing that procedure. For the benefit of the landlord there is a clause added to this Bill by which the Controller will take not more than three months to decide a petition. This time-limit has been laid down in this Bill for the benefit of both landlord and tenant. So with regard to the complaint that the Controller takes much time in deciding a petition and the landlord has to go to court or send his gomostas many times for this purpose will not arise. Then there is another safeguard for him in that he can go to the court and get the tenant evicted on certain conditions. This Bill has been altered in this House in such manner that it gives ample facilities to the landlords to get justice. Mr. Roy has said that only 10 per cent. increase has been allowed. Sir, generally speaking 10 per cent. increase is not a very small percentage and more so when most of the buildings have been erected before the war and there will be no additional cost to be incurred by the landlords. In these days of cheap money when in the market you get only 1½ per cent. as interest 10 per cent. profit is not a matter of joke. I think Government is justified from that point of view. Another honourable member opposite has said that this Bill ought not to have been passed in this House. With great respect to my nationalist friends, I must say that they are found following two principles, in different places and circumstances. This is a great charge against members of a great organisation. I have the highest respect for that great organisation but I sorry to say that some of the members by their own conduct bring discredit to that organisation. Similar Bills have been passed in other Congress provinces. When such a Bill is passed by any Congress province it is welcome and beneficial and when it is passed in a province where the Congress is not in power it is rubbish and reactionary. In some of those Acts even sub-letting has been recognised out in this Act in very exceptional circumstances, sub-letting has been recognised. In the Rent Control Bill just passed by the Central Government, sub-letting up to the date of the passing of the Bill has been allowed in all circumstances. So there is no ground to condemn this Bill by my learned friends on the opposite. So I ask my friends to consider this Bill from one point, from one principle, namely whether or not it will benefit those for whom it is intended, at a time, when every landlord, though I must say that there are a good many exceptions or rather most of them are very eager to enhance the rate of rent. So under the circumstances there is good justification for the passing of this Bill which is a salutary measure. I must congratulate the Hon'ble Minister for making the necessary change in the Bill in this House so that this Bill may prove really beneficial to those for whom it is intended.

With these few words I support the motion.

**Mr. BIJOY SINGH NAHAR:** Sir, I rise to oppose the passing of this Bill. Sir, this Bill was placed by the Government and it was gone through by a Select Committee. But, Sir, I am surprised, as I mentioned the other day also, that the Government change their mind from time to time and I do not know what is in their minds still and whether they will come forward with new amendments or not. Sir, in the Select Committee there were also the members of the Government who were in a majority. The Hon'ble the Leader of the House as well as the Hon'ble Minister in charge of the Bill were in the Select Committee and the Government had an absolute majority there and they conducted the passage of this Bill in the Select Committee as it was reported on by them. (Mr. GHYASUDDIN PATHAN: And did not the minority attend?) At that tme, Sir, clause after clause was discussed and the Government agreed to the changes proposed in the Select Committee and the Bill was drafted and printed accordingly. That was placed before the Select Committee and it was adopted mostly unanimously. At the time of the sitting of the Select Committee practically unanimity was there. My friend Hon'ble Mr. Nur Ahmed was there at the beginning but I am sorry he did not attend the last few meetings but still in the beginning he was also very helpful and he accepted the principle of changing the various

clauses as suggested in the Select Committee but curiously enough he himself very strongly opposed those changes made in the Select Committee now on the floor of this House. Sir, we opposed the introduction of the amendments placed before the House and we oppose the passing of the Bill now, not for that purpose as has been told by members opposite that we represent the landlords side, which is never so. We want that some control or such reduction of rent should continue. People should get amelioration in getting their houses, in getting more accommodation but not the kind of control suggested in the Bill. Sir, we do not want to disturb the whole condition of things. The disease may be spreading. We do not want to bring in more doctors to check the disease but we want to check the disease by preventing it. Prevention is better than cure. We implored the Government even in the Select Committee to try to help those willing to do so in building more houses, more accommodation in the city. They did not hear it; they did not mind it; they did not care to encourage building of more houses so that the congestion in the city might be removed. Secondly, Sir, we also suggested that care should be taken that the suburbs of Calcutta might be encouraged to build more houses and that transport facilities and other amenities may grow up but that too the Government has never tried, or has never suggested, during the course of the debate on this Bill. Their only intention seems to be to keep a check on the increase of rents; but the process that has been suggested in this Bill is really a very troublesome process, both to the landlords and to the tenants. Sir, the process that has been suggested in the various clauses of this Bill is really going to cause great hardship to all the parties concerned. Mr. Nur Ahmed has just pointed out that this Bill will give relief to the tenants and virtually the tenants will not be allowed to sublet except in a very few cases. Probably he has not marked that in all cases sub-letting has been allowed in the Bill as amended on the floor of the House. The next point is that as I have said the other day the establishment of a Rent Controller's Court has been rushed through in this House by an amendment. What was suggested in the Select Committee was that there should not be a dual procedure, that a party should not have to pass through dual courts, one is the Rent Controller's office and another the civil court. Mr. Nur Ahmed said that expense at the civil court would be enormous and that at the Rent Controller's cheap. But I would advise him to go one day to the Rent Controller's court and find for himself the great congestion of cases. It is much more troublesome going through the Rent Court than through the civil court. It takes a lot of time for the rent court to decide the issue, so that both the tenant and the landlord get disgusted and no relief is obtained either by the landlord or by the tenant. The next point that I would like to draw the attention of the Hon'ble Minister is that he should make some provision to provide the Government servants with their own quarters. If it is done, then a great amount of congestion will be removed and other people will get more accommodation in the city. A large percentage of houses has been occupied by Government servants who have been newly recruited. During the war many people from the villages had to come to Calcutta who had got jobs in the Calcutta offices. If the Government would care to provide their own employees with quarters certainly that congestion would very greatly decrease and then the question of rent control also would decrease a lot. With these words I oppose the passing of the Bill.

**Mr. LALIT CHANDRA DAS:** Mr. President, Sir, I would describe this Bill in one word, namely, that this Bill is a fascist measure. We tried our best to democratise the Bill, but we failed. We did democratise it in the select committee to some extent but when it came here it was changed and altered beyond recognition, by amendments brought forward by one of the members of the select committee, and that by Mr. Clarke. If the provisions of the Bill be examined it will be seen that the will of the Rent Controller is law. Whatever he wills with regard to the relationship of the

landlord with the tenant, that becomes the law. He has been given extraordinary powers, powers which should not be given to one single person. Even then, he has been made to lord it over the civil court. We tried in some measure to democratise it by giving some powers at least to the civil court, but even there the majority came in and we were outvoted by the opinion of the House. The Rent Controller has been put in the position to do whatever he pleases. He may even oppose the institution of suits, and he may even stand in the way of the execution of a particular decree; that is, in a nutshell, whatever he says and does by way of establishing a relationship between the landlord and the tenant will become law. That is why I say in one word that the Bill is a fascist measure; all our attempts to democratise it have failed altogether and the will of the controller is law. I had no mind to take part in the third reading except for one point which I am asking of the Hon'ble Mr. Fazlur Rahman and I hope he will give an answer to my point in his reply. It is this that the Calcutta Rent Ordinance Bill, 1947, has been enacted into law and it has received the assent of the Governor General so that the relationship between the landlords and tenants in respect of property in Calcutta is settled for six months. After this the Government of Bengal has considered this Bill and is just going to pass it into law. When we pointed out this anomaly at the time when the Ordinances Bill came up for consideration the Hon'ble Chief Minister stated that a clause would be put in by which the Calcutta Rent Enactment will be repealed. Now, Sir, in this Bill we do not find any such clause added by the Hon'ble Minister in charge of the Bill. So this Bill is neither an altering Bill nor an amending Bill nor a repealing one. This being so, an amendment to this effect cannot be added by the Assembly. The Rent Ordinances Act, 1947, having been passed by the Assembly and having received the assent of the Governor General, I say that this Bill is an illegal one and it cannot be rendered operative. With these words I oppose the Bill.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, this is a measure which is intended to protect the tenants against arbitrary enhancement of rent by unesrupulous landlords. But at the same time it is ensured to be fair to the landlords. With regard to the suggestion of my friend Mr. Roy that an advisory committee should be appointed, I have never given thought to this idea. I shall consider it and then I shall be in a position to say whether I shall be able to accept his suggestion or not. But I assure him this much that I shall consider his suggestion.

I do not find that there has been any valid objection in this House to the passage of this Bill or to any provision of it. Some of the objections were advanced really in the undue interest of the landlords. With regard to the question raised by Mr. Nahar that Government want to have a measure like this in order to inconvenience the landlords and that they do not like to solve the housing problem, I may say that Government is contemplating a scheme for the establishment of a satelite town in the suburb of Calcutta for the relief of congestion. Government has established a Housing Board which will acquire lands and will build houses for the labourers and middle-class men of moderate means. These are the preliminary measures that have already been taken and I think these should satisfy the members of the Opposition if their genuine desire is to see that the housing problem is tackled by Government satisfactorily. With these words, I commend my motion for the acceptance of the House at the same time I should say that both in the Select Committee and in this House we acknowledge with gratitude the assistance that has been rendered by all sections of the House specially by the members of the Opposition. They were of great help. We may assure them that their suggestions will be duly considered at the time of the operation of the Act.

**Mr. PRESIDENT:** Order, order. The question before the House is that the Calcutta Rent Bill, 1946, as settled in Council be passed.

The motion was put and agreed to.

## The Bengal Protection and Conservation of Fishes Bill, 1947.

**Mr. PRESIDENT:** We shall now take up the Bengal Protection and Conservation of Fishes Bill, 1947. The Hon'ble Minister.

**The Hon'ble Mr. AHMED HOSSAIN:** Sir, I beg to move that the Bengal Protection and Conservation of Fishes Bill, 1947, be taken into consideration and passed.

Sir, in moving for consideration of the Bill, I briefly state the aims and objects of the Bill. In the Statement of Objects and Reasons appended to the Bill I have mentioned about the urgency of a measure to promote the increase and conservation of fish. It is common experience that the rivers, beels and other water areas of the province are being denuded of fish and we are now faced with a situation in which this land of tanks and rivers is suffering from an almost chronic scarcity of fish. Many factors have contributed to the present state of things. Water areas have dried up in many parts, water hyacinth has also played its part. But the most important contributory factor is the indiscriminate catching of fish and the overfishing which proceeds throughout the year. Other important factors are the use of nets, fixed engines and other contribances by which all fish is destroyed irrespective of their sizes and the free movement of fish during the spawning season is hindered. The Fisheries Act of 1897 gave powers to Government to regulate sizes of nets and use of fixed engines by rules, but these rules could not be applied to private waters without the consent of their owners. In Bengal most waters including rviers are private waters as defined in the Act with the result that it has not been possible to make any rule to apply to them.

The present Bill aims at the regulation of catching of fish in all waters except private waters, but private waters have been so defined as to exclude rivers and other large beel areas. It is also proposed to prescribe close season for fishes during which fishing would be prohibited in such areas, particularly where fishes breed. As in the Act of 1897 it is also proposed to regulate the sizes and meshes of nets and the use of fixed engines. It will be noticed that the Bill proposes to give powers to Government to regulate all matters in exercise of their rule-making power. This is with a view to retain necessary flexibility in the application of the Act so that depending on local circumstances the size and meshes of the nets can be controlled and fishing may be permitted in areas where fishes do not breed or where for some other reasons it would be unnecessary to apply the restrictions. Further the life histories of all the fishes are not known and it is impossible to prescribe immediately close seasons for all kinds of fishes, such seasons varying for different species of fish. In fact the present Bill is modelled on a draft Bill which has been drawn up by the Imperial Council of Agricultural Research and circulated to the provinces for adoption.

It may be asked if all fishing is prohibited during certain months of the year how will fishermen make their living. In the first place, as already stated, it may not be necessary to prohibit all fishing throughout the province in all waters irrespective of their location. For example, during the rains in tanks fishing for carp may be permitted as carp does not breed in tanks. There are varieties of fishes which are generally caught during the spawning season, e.g., Hilsa, etc. Those fishes must, of necessity, be excepted from the prohibited list. Besides no close season need be prescribed for sea and foreshore fisheries. Fishermen will earn their living by fishing in those areas and catching those excepted fishes. It is believed there will be a greater incentive to pisiculture in tanks and other closed waters with the introduction of close seasons because people will rear fish in those places increasingly with the intention of selling fish during close seasons. The whole nation is now suffering for want of fish and it is the concern of the nation to take necessary steps for promoting the growth and

conservation of fish. Certainly some temporary inconvenience will be caused to a section of the people but in the general interest of the nation as a whole that should be overlooked.

With these words, Sir, I commend my motion for the acceptance of the House.

**Mr. PRESIDENT:** Motion moved that the Bengal Protection and Conservation of Fishes Bill, 1947, be taken into consideration.

**Mr. LALIT CHANDRA DAS:** Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1947.

Sir, we have heard the statement that has been made by the Member in charge of the Bill and in the Statement of Objects and Reasons the urgency of the measure has been pointed out. At least, Sir, a picture has been given which apparently seems very rosy. In the Statement of Objects and Reasons we read—let me read portion of it—* * * "Fish is not only becoming dearer day by day, but it is becoming scarcer in many parts of Bengal which used to abound in fishes. The pinch is being felt most by the rural population which depend for their supply of fish on their catches in the natural waters of their neighbourhood. For the rice-eating Bengalis, fish is a main item of diet", etc. Now, Sir, one going through the provisions of the Bill will be struck by the fact that the purpose of the Bill will be defeated by its own provisions. The Bill, on my reading of the clauses, is merely in the nature of imposing restrictions upon the fishermen, and ultimately, as I apprehend, Sir, it will prove to be a Bill for exploitation and even in some cases extinction of fishermen. Sir, power has been taken by the Government to extend its rights to parts of watery areas where there was private ownership. In the definition of "private water" it has been stated that private water does not include any river, canal, khal, beel or any piece of water which ordinarily had direct communication with any river, canal, khal or beel. That, Sir, is a great encroachment I should say upon the rights of private ownership and even upon the right of fishermen to have that customary right of catching fish in beels, khals and canals. All this is sought to be brought in within the clutches and meshes of this Bill and in one of its provisions it has been stated that fishing will be prohibited except under a license and this will be regulated also in the granting of such licenses, the fees payable therefor and the conditions to be inserted therein. These fishermen have for ages I should say been catching fish in beels and canals and in other waterways connected with the river without any license and paying any sort of tax, but here restrictions are going to be put on them and none of them will be able to enter any beel, canal or khal or any waterways whether large quantities of fish rear and which is connected with any river. This is a great encroachment I should say on the rights of the fishermen and then, again, it would appear from clause 3 that prohibition has been imposed upon the kind of nets to be used by fishermen, that they must conform to certain standards in the matter of fishing by nets and if they do not then they bring themselves under the penal clause of the Bill, under which they will have to pay a fine up to Rs.100 as for example, for fishing with nets with a smaller mesh than that prescribed under the rules made under this Act. It is a dangerous thing, Sir, and it will be very difficult for the fishermen to comply with this instruction. Standard net prescribed under rules made by Government may not be observed or even if observed, the persons who are empowered to enforce the provisions of the Bill in this regard may say that such nets do not observe the rules laid down with regard to the nets, and the fishermen will be at once penalised, and they will be dragged to the court of law and punished. It is quite a dangerous provision, I should say. Then, Sir, the question or provision regarding fishing without a licence; this also is a dangerous clause. And the penalty for this

has been laid down at Rs.100. Suppose a fisherman with a dozen or half a dozen sons takes out a licence, and the old man stays at home while his sons go out fishing and fish in waters whcih are called public according to the definition in the Bill. What will be the fate of these men? The licence is not in their names; the father staying at home will not be affected and the sons will be visited with a fine of Rs.100 for the simple reason that the licence stands in the name of their father and it is the sons who have caught the fishes. There is another provision also, which is equally dangerous, namely, killing, or catchnig fish of a size or weight less than the standard weight prescribed under this Bill. While fishing in the natural waters of the province, Sir, various kinds of fish come out in the net and the fishermen take them away without judging their size, etc. Some may be small, some bigger and some may conform to the size prescribed, one cannot fish in a beel or khal in such a way that there will be a uniform size of fish, there is bound to be of various sizes of fish, but the penalty of fishing such sizes is Rs.100: this is dangerous. I think these are matters on which opinion of the public should be taken. Fishermen as a class are very poor belonging to the scheduled castes and their only source of living is fishing by net or by some other contrivance in certain months of the year. Now fishes will grow no doubt in time but how will they live in the meantime. This problem has not been tackled in the Bill. I do not find any provision in the Bill itself relating to the growth of fishes. Fishes in the beel, canal or other waterways pass away into the river even if they are not caught as there is no means of protecting them. These canals, beels and waters are connected with river and the fishes do not remain there even if they are not caught. What steps will be adopted by Government to prevent such draining away of the fishes to river from such beels, khals. Before a penalty provision like this is introduced, there ought to be a provision for the construction of a dam for the preservation of fishes to grow and then we will understand that some attempt has been made by the Government for preservation of such fishes. But there is only the provision that you cannot catch fish of certain sizes in the beels, canals and other waterways connected with the river. This shows that there is only provision to prohibit fishermen to catch fish and thus put a bar to the supply of fish in the market. It is said that in Bengal fish is one of the essential food of the people but no provision has been made for the supply of plenty of fish. There is no provision within the Bill for the protection of fish and for the conservation of fish in the canals and beels. These fishes will go out to the river and the fishermen will be starved if they fail to catch fish or cannot get proper size of fish. Then, Sir, this Bill will be a source of terror to the poor fishermen. A large number of officers will be appointed, they will be called fishery officers: there will also be officers of the rank of Sub-Inspector of Police who will be invested with all sorts of power to terrorise the poor fishermen. These officers have been given extraordinary power under this Act. So that there will be ample scope for bribe giving and bribe taking and bribe giving will be one of the ways for the fishermen to get out of the difficulty. The Bill will be a source of corruption of all sorts. Under section 8 of this Bill power has been given to compound such offences. When they commit an offence punishable under this Act they may escape prosecution by making certain arrangements with the fishery officer. The fishery officer has been given power to compound that means a lot of money to be lost by fishermen without the public being benefited. I say, Sir, the provisions of the Bill are so coercive instead of being a protection for the conservation of fishes, it will be merely, I should say, exploitation and will result in the ultimate extinction of fishermen in Bengal. Therefore I say opinion of the public should be taken and so I move that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1947. With these words, I move my motion.

**Mr. PRESIDENT:** Amendment moved that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1947.

**The Hon'ble Mr. AHMED HOSSAIN:** Sir, I beg to oppose the motion. I must say the honourable member is labouring under a certain amount of misapprehension with regard to the Bill. The purpose of the Bill is not to inconvenience the fishermen but to promote the growth of fish in Bengal. Some inconvenience may be done to the fishermen but they are bound to be affected in some way or other. Now, even as there is nothing to catch in some season of the year and they remain idle. As I have said in my introductory speech' Government will see that their inconvenience is minimised as far as possible. With the growth of fish their condition is bound to be prosperous.

Now, as regards meshes and nets, these are matters of rules. When the rules are framed they will be widely published for a period of at least 6 weeks and people will be allowed to criticise the rules and on the light of those criticisms Government will correct or rectify the rules.

About the definition of private waters, as I have already said Government of India passed one Fishery legislation in 1897 but that was of no avail to us because the definition of the private water was so wide that Government could not touch any water. I can inform the honourable members that at the mouth of Padma there is one such bandh but Government has no power to remove that. Therefore unless the Government get power they cannot promote the growth of fish and the migration of fish upward that region. Our intention is not to cause any inconvenience to any body. I think the private owners of tanks will also be benefited by it and they will not stand in the way of this Bill. This matter has been discussed thoroughly and it is a piece of legislation which is urgently required. The main source of supply of fish is from estuarian areas and the other source is inland water. We are making arrangements to get fish from estuarian areas and also from inland waters. I would therefore request the honourable member to withdraw the motion of circulation and pave the way of the Bill so that it might be passed as soon as possible.

**Mr. PRESIDENT:** Order, order. The question before the House is that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1947.

The question was put and lost.

**Mr. LALIT CHANDRA DAS:** Sir, I beg to move that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Ahmed Hossain, Minister in charge of the Department of Agriculture, Forest and Fisheries,

(2) Mr. Nur Ahmed,

(3) Mr. Hamidul Huq Chowdhury,

(4) Mr. Dhirendra Lal Barua,

(5) Mrs. Labanyaprobha Dutt,

(6) Mr. C. E. Clarke,

(7) Mr. Patiram Roy,

(8) Mr. Bijoy Singh Nahar,

(9) Mr. Haridas Mazumdar,

(10) Mr. Wahiduzzaman, and

(11) the mover,

with instructions to submit their report by the 30th June, 1947, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, I think the Hon'ble Minister in charge of the Bill will at least accede to this proposition that the provisions of the Bill should be examined by a Select Committee. Now I do not see any reason whatsoever why the Bill

should be rushed through. I am giving the time for examination of the provisions of the Bill by a Select Committee and for a report to be submitted by the Select Committee by the 30th June and that cannot be said to be a very long time. The provisions of the Bill are, in my opinion, harsh and may prove tyrannical on the fishermen. If the members of the Select Committee sit round a table and go through the provisions of the Bill I think some useful changes can be made therein which may make the Bill acceptable to all of us. It has been seen, Sir,—at least it has been my experience, Sir,—that in the Select Committee the members prove very reasonable unlike my friends opposite who do not go through and understand the provisions of a Bill but as soon as the division bell rings and voting is taken they stand up and vote without knowing what they are voting for, that is to say, Sir, our reasonable arguments fall on deaf ears. In the Select Committee it is my experience, Sir, that those members on the opposite side who are taken on the Select Committee prove very reasonable and there if we make any suggestions which appear to the Government side to be reasonable they are accepted and the changes are made easily in the Select Committee and they are retained. With these objects in view I have moved my motion for reference of this Bill to a Select Committee.

**Mr. PRESIDENT:** Amendment moved that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Ahmed Hossain, Minister in charge of the Department of Agriculture, Forest and Fisheries,
(2) Mr. Nur Ahmed,
(3) Mr. Hamidul Huq Chowdhury,
(4) Mr. Dhirendra Lal Barua,
(5) Mrs. Labanyaprobha Dutt,
(6) Mr. C. E. Clarke,
(7) Mr. Patiram Roy,
(8) Mr. Bijoy Singh Nahar,
(9) Mr. Haridas Mazumdar,
(10) Mr. Wahiduzzaman, and
(11) the mover,

ith instructions to submit their report by the 30th June, 1947, and that ie number of members whose presence shall be necessary to constitute a uorum shall be four.

**Mr. C. E. CLARKE:** Mr. President, Sir, I rise to support the motion efore the House. In our view there are one or two points in this measure iat require clarification. I refer in particular, Sir, to the power to make ules and it seems to us that it is possible that the Rules may be more nportant than the Act itself. There is also the question, Sir, of private aters. Under section 2(4)(b) the definition is by no means clear and for iis reason and for several others, Sir, it is in our view the proper procedure refer this measure to a Select Committee.

**The Hon'ble Mr. AHMED HOSSAIN:** Sir, I oppose the motion for ference of the Bill to a Select Committee and I do not like to make any eech in this connection because the reasons which I put forward on the evious motion will hold good in this case too.

As regards the complaint regarding rushing this Bill through the House, may point out to the honourable members that I would like this control come in the coming spawning season, namely, in June, and that constites the urgency. The situation has degenerated to such an extent that e cannot afford to delay for one year; that is why we would like the control come in this season. Anyhow, I would not have any objection to a

Select Committee if the Bill could be passed this session. (MR. LALIT CHANDRA DAS: Why not get out a report from the Select Committee within ten days?). Besides, there is no substantive provision in the Bill itself; all the power comes to us through the rule making-powers provided in the Bill.

**Mr. PRESIDENT:** The question before the House is that the Bengal Protection and Conservation of Fishes Bill, 1947, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Ahmed Hossain, Minister in charge of the Department of Agriculture, Forest and Fisheries,
(2) Mr. Nur Ahmed,
(3) Mr. Hamidul Huq Chowdhury,
(4) Mr. Dhirendra Lal Barua,
(5) Mrs. Labanyaprobha Dutt,
(6) Mr. C. E. Clarke,
(7) Mr. Patiram Roy,
(8) Mr. Bijoy Singh Nahar,
(9) Mr. Haridas Mazumdar,
(10) Mr. Wahiduzzaman, and
(11) the mover,

with instructions to submit their report by the 30th June, 1947, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The question was put and a division taken with the following result:—

**AYES—11.**

Mr. L. P. S. Bourne
Mr. C. E. Clarke
Mr. Lalit Chandra Das
Mr. Satish Chandra Jana
Rai Bahadur Brojendra Mohon Maitra
Mr. Bejoy Singh Nahar
Rai Bahadur Jogendra Nath Roy
Mr. Biren Roy
Mr. Biswanath Roy
Mr. Patiram Roy
Mr. Charu Chandra Sanyal

**NOES—18.**

Mr. Nur Ahmed
Mr. Syed Badrudduja
Mr. Chowdhury Moazzem Hossain
Mr. Hamidul Huq Chowdhury
Khan Bahadur Abdul Latif Chowdhury
Mr. Syed Fazle Rabbi Chowdhury
Mr. D. J. Cohen
The Hon'ble Mr. Abdul Gofran
Khan Bahadur A. R. Shahoodul Haque
The Hon'ble Mr. Saiyed Muazzamuddin Hosain
Khan Sahib Mobarak Ali Khan
Mr. Abdul Latif
The Hon'ble Mr. Tarak Nath Mukherjea
Khan Bahadur Ghyashuddin Pathan
Khan Bahadur Mukhlesur Rahman
Mr. Abdul Rashid
Khan Sahib Maulvi Wahiduzzaman
Dr. Kasiruddin Talukdar

Ayes being 11 and Noes 18 the motion was lost.

**Mr. PRESIDENT:** The question before the House is that the Bengal Protection and Conservation of Fishes Bill, 1947, be taken into consideration.

The question was put and a division taken with the following result:—

**AYES—18.**

Mr. Nur Ahmed
Mr. Syed Badrudduja
Mr. Chowdhury Moazzem Hossain
Mr. Hamidul Huq Chowdhury
Khan Bahadur Abdul Latif Chowdhury
Mr. Syed Fazle Rabbi Chowdhury
Mr. D. J. Cohen
The Hon'ble Mr. Abdul Gofran
Khan Bahadur A. R. Shahoodul Haque
The Hon'ble Mr. Saiyed Muazzamuddin Hosain
Khan Sahib Mobarak Ali Khan
Mr. Abdul Latiff
The Hon'ble Mr. Tarak Nath Mukherjea
Khan Sahib Ghyashuddin Pathan
Khan Bahadur Mukhlesur Rahman
Mr. Abdul Rashid
Dr. Kasiruddin Talukdar
Khan Sahib Maulvi Wahiduzzaman

NOES—9.

| | |
|---|---|
| Mr. Lalit Chandra Das | Mr. Biren Roy |
| Mr. Satish Chandra Jana | Mr. Biswanath Roy |
| Rai Bahadur Brojendra Mohon Maitra | Mr. Patiram Roy |
| Mr. Bejoy Singh Nahar | Mr. Charu Chandra Sanyal |
| Rai Bahadur Jogendra Nath Roy | |

Ayes being 18 and Noes 9 the motion was agreed to.

## Riot situation in Calcutta.

**Mr. LALIT CHANDRA DAS:** May I draw your attention to one fact in this connection? It was promised in the earlier part of our business that the Home Minister or the Finance Minister will turn up and will make a statement on the riot situation. We are very anxious to hear how the situation is in Calcutta now.

**Mr. PRESIDENT:** Mr. Ahmed Hossain, I think we better stop here further debate on your Bill. Inasmuch as the Finance Minister is just now here let us hear his statement on the riot situation. If there is time after that we shall proceed with the Bill.

**The Hon'ble Mr. MOHAMMED ALI:** In response to the request from the Opposition I take this opportunity of informing the House that in Calcutta about 11 incidents mostly confined to north, east and central parts of the city have been reported during the night and up to mid-day. The police and the military fired about 54 rounds in connection with cases of arson, riot and attack. Some arrests were also made on the spot during the period under review. Six persons are reported to have been injured and 1 killed. In Howrah, last night there was some tension as a result of about 20 incidents which occurred in four thanas. These included 12 cases of arson. Over 100 rounds were fired by the military and the police. The military are dominating in one area and the police force has been reinforced. Intensive searches are being made and 31 persons have been arrested in addition to those arrested yesterday.

**Mr. LALIT CHANDRA DAS:** May we enquire whether it is the intention of Government to extend the zone of military occupation and whether the military will be put in all the areas where disturbances are taking place?

**The Hon'ble Mr. MOHAMMED ALI:** That is a matter which will be examined. That is a matter which is being examined as a whole and I am sure that if there is any necessity for extending the area of operation of the military that will be done.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister please state the important areas where the military are now operating, namely, the thanas in which they are operating?

**The Hon'ble Mr. MOHAMMED ALI:** They are operating in the following thanas, namely, Manicktolla, Beliaghata, including Circular Road, and certain areas in Entally. I do not know whether the area of operation has been further extended in addition to Howrah which, as has been announced, is an area where the military are dominating, and extra police officers have been deputed to Howrah.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister please take note of the fact that public opinion favours the extension of the operations of the military to other areas, and if this note is taken and considered duly, I think confidence among the populace may be restored.

In the meantime, Sir, may I refer to another matter? We are going to have the Easter Holidays very soon, within the next three or four days, and if Government agree to stop the business of the House for three or four days prior to that, that is, from tomorrow, and if these days are tacked on

to the Easter holidays, then we may get clear ten days within which we hope the combined operations of the military and the police may succeed in restoring order in the city.

**Mr. PRESIDENT:** Mr. Das, it is not for me to intervene in this matter; it is a matter which rests entirely with the House and the Government, but I may point out that when there is an emergency it is the duty of a Legislature to remain in session and not to avoid its responsibility. During the emergency in England the British Parliament remained in session continuously and you should rather emulate that example of the Parliament not seek holidays now.

**Mr. LALIT CHANDRA DAS:** Sir, I deeply regret that the Chair has taken quite another view in this matter. There are several members in this House who are quite willing to go to the scene of the riots and bloodshed and appeal to the hooligans to give up this business. If we get a permit from Government we are quite ready and willing to visit the places of occurrence and appeal to the hooligans——

**Mr. PRESIDENT:** But why stop your duties here?

**Mr. LALIT CHANDRA DAS:** Sir, it is not a question of stopping our duties here. We are passing through extraordinary times. In the course of the last eight months there have been three recrudescences of this abnormal thing, namely, the killing of human beings as if they are so many beasts. If the services of the legislature are really required by Government, the members are quite willing to go to the places of occurrence and stop this great killing——

**Mr. PRESIDENT:** What is your proposal then?

**Mr. LALIT CHANDRA DAS:** My proposal is that if Government really want our services in this matter and give us time and permits then we are quite willing to go to the places of the occurrences and appeal to the hooligans to stop this murder and bloodshed—that is what my proposal is.

**The Hon'ble Mr. MOHAMMED ALI:** We have made a note of the request of the Opposition and it will be placed before the Hon'ble Chief Minister.

**Mr. BIJOY SINGH NAHAR:** From today bus services have stopped and we desire that police protection be given to us before and after arrival here. Will the Hon'ble Finance Minister kindly see to this?

**The Hon'ble Mr. MOHAMMED ALI:** Every effort will be made to see that transport facilities for the citizens of Calcutta are maintained because if there is any dislocation of the transport services there will be more panic and tension. Therefore it is Government's intention to help the transport service going.

**Mr. BIJOY SINGH NAHAR:** May we expect that buses will run as usual from tomorrow?

**The Hon'ble Mr. MOHAMMED ALI:** But buses are running, I have seen them running myself.

**Mr. BIJOY SINGH NAHAR:** But it is only in some particular areas.

**The Hon'ble Mr. MOHAMMED ALI:** That may be.

**Mr. PRESIDENT:** I think a suggestion was made by some members that transport facilities should be provided by Government for their arrival and departure. Will that arrangement be made from tomorrow?

**Mr. LALIT CHANDRA DAS:** Why not from today?

**Mr. ABDUL RASHID:** Yes, arrangements will be made from this very day.

**Mr. PRESIDENT:** It is agreed that transport will be provided for members for coming to the House by Government in view of the present situation. Will that arrangement be made from tomorrow?

**The Hon'ble Mr. MOHAMMED ALI:** It may be made from today.

**Mr. PRESIDENT:** All right, the arrangement has been made from today. I think Mr. Ahmed Hossain we will take up the Bill tomorrow and stop here today. Now, as regards tomorrow's programme, in view of the postal difficulty due to the present situation I propose to announce here the programme of business. The agenda will be circulated tomorrow before the meeting. Tomorrow's programme of business will be business remaining from today and then the Public Demands Recovery Bill for consideration and passing.

The House stands adjourned till 1-45 p.m. tomorrow.

## Adjournment.

The Council then adjourned till 1-45 p.m. on Tuesday the 1st April, 1947.

**Members absent.**

The following members were absent from the meeting held on the 31st March, 1947:—

(1) Mr. Sultanuddin Ahmed,
(2) Khan Bahadur Syed Abdur Rashid Chowdhury,
(3) Mrs. Labanya Probha Datta,
(4) Mr. Hamidul Huq Chowdhury,
(5) Mr. Yusuf Ali Chowdhury,
(6) Mr. Hemendra Kumar Das,
(7) Mr. Amulyadhone Roy,
(8) Mr. Bankim Chandra Datta,
(9) Mr. Kamini Kumar Datta,
(10) Mr. Eric Dermot Doyne,
(11) Khan Bahadur Shaikh Fazal Ellahi,
(12) Sir Md. Azizul Haque, Khan Bahadur,
(13) Mr. Mungturam Jaipuria,
(14) Khan Bahadur Alhadj Shaikh Muhammad Jan,
(15) Mr. Latafat Hossain,
(16) Mr. Humayun Z. A. Kabir,
(17) Mr. Syed Abdul Majid,
(18) Mr. Nagendra Nath Mahalanobish,
(19) Mr. George Morgan, C.I.E.,
(20) Mr. T. B. Nimmo,
(21) Dr. Kumud Sankar Ray,
(22) Mr. Sushil Chandra Sen, and
(23) Mr. Md. Taufiq.

WBGP-48/9-1163A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947—No. 28.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on the 1st April, 1947, at 1-45 p.m., being the 28th day of the First Session of 1947, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

### Conveyance for members.

**Mr. LALIT CHANDRA DAS:** On a matter of information, Sir. Yesterday we were given to understand that cars would be sent to bring us to the Council. I waited upto 1-25 p.m. but as there was no car I had to take a taxi and come here. Several members of my party have not yet come. If this is the sort of arrangement then I fear it will be difficult for us to attend the Council at any time, even after the holidays. Sir, many honourable members of my party have not come. What is to be done?

**Mr. PRESIDENT:** Will the Leader of the House kindly inform the House of the arrangements made?

**The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** I am informed that the cars were sent in time. But probably they could not reach in time to bring the members here. Evidently, the cars have been held up somehow or other.

**Mr. BIJAY SINGH NAHAR:** Is there any disturbance in the city?

**Mr. LALIT CHANDRA DAS:** May be.

**Mr. ABDUL RASHID:** Sir, cars have been sent with two escorts.

**Mr. PRESIDENT:** How many have been sent?

**Mr. ABDUL RASHID:** Yesterday one was sent to Bhowanipur.

**Mr. PRESIDENT:** What is your suggestion, Mr. Das?

**Mr. LALIT CHANDRA DAS:** Sir, my suggestion is that the House may be adjourned for half an hour so that the members of my party may come in the meantime.

**Mr. PRESIDENT:** You want the House to be adjourned for half an hour? That means, upto quarter past two.

**Mr. LALIT CHANDRA DAS:** Yes, Sir.

**The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSSAIN:** The Government have no objection.

**Mr. PRESIDENT:** The House accordingly stands adjourned till quarter past two.

*(After Adjournment.)*

## QUESTIONS AND ANSWERS.

**Mr. PRESIDENT.** Questions, Mr. Nur Ahmed.

**Mr. NUR AHMED:** No. 81.

**Mr. ABDUL RASHID (on behalf of the Hon'ble Mr. Monammed Ali):** Sir, in the absence of the Hon'ble Minister I shall not be in a position to reply to supplementary questions, if there be any. So I request that this question be held over.

**Mr. PRESIDENT:** No. 81 is held over.

### Draft amendment of Act I(B.C.) of 1876 and Act XII of 1880.

82. **Khan Bahadur CHYASUDDIN PATHAN (on behalf of Khan Bahadur A. M. Shahoodul Haque):** Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) whether it is a fact that some draft amendment of Act I (B.C.) of 1876 (The Bengal Muhammadan Marriages and Divorces Registration Act, 1876), and Act XII of 1880 (The Kazi's Act, 1880), were submitted to the Government prepared by a sub-committee appointed under Government Order No. 136T.Regn., dated the 20th September, 1939, and forwarded to the Government under I.G.R. No. 96M., dated the 25th January, 1941;

(*b*) if so, what action the Government propose to take and why no action was taken so long;

(*c*) if the Government propose to introduce amending Bills for those Acts;

(*d*) if so, when; and

(*e*) if not, why not?

**Rai Bahadur DHIRENDRA LAL BARUA, Parliamentary Secretary (on behalf of the Minister-in-charge of the Judicial Department):** (*a*) Yes in respect of Act I (B.C.) of 1876 (The Bengal Muhammadan Marriages and Divorces Registration Act, 1876).

(*b*) The matter is under consideration of Government and no final decision has yet been reached. Due to the last war emergency the matter was held in abeyance for the time being.

(*c*) No decision has yet been reached.

(*d*) and (*e*) Do not arise.

**Mr. PRESIDENT:** Mr. Das.

**Mr. LALIT CHANDRA DAS:** No. 83.

**The Hon'ble Mr. FAZLUR RAHMAN:** I request that this question stands over as the Hon'ble Mr. Shamsuddin Ahmed is not here.

**Mr. PRESIDENT:** It is very unfortunate that the Ministers have not turned up when they are expected to reply to the questions that concern their departments and that are on to-day's agenda. They should have sent intimation to the Chair beforehand that they would be unable to attend the House.

**The Hon'ble Mr. FAZLUR RAHMAN:** We are very sorry for this and I shall bring the matter to the notice of the respective Ministers.

**Khan Bahadur CHYASUDDIN PATHAN:** They attend the other House.

**Mr. PRESIDENT:** It is the practice to inform the Chair beforehand in case of inability on the part of a Minister to attend the sitting.

**Mr. LALIT CHANDRA DAS:** I hope this question will come up again for reply next time.

**Mr. PRESIDENT:** It is held over to-day.

### The Bengal Protection and Conservation of Fishes Bill, 1947.

**Mr. PRESIDENT:** Next comes the Bengal Protection and Conservation of Fishes Bill, 1947.

Clause 1 stands part of the Bill.

**Mr. LALIT CHANDRA DAS:** May I at this stage say one thing, Sir? It is this: We can go on with this Bill today under one condition only, namely, that the House should be adjourned till the 21st April after finishing the Bill today; otherwise we cannot get on with the legislative work in the way we have been put to live in Calcutta under the present circumstances.

**Mr. PRESIDENT:** You are prepared to go on with the Bill today only if the House is adjourned till the 21st April?

**Mr. LALIT CHANDRA DAS:** Of course after the Bill is finished today: that has already been agreed to.

**Mr. HAMIDUL HUQ CHOWDHURY:** Between whom?

**Mr. LALIT CHANDRA DAS:** You will just hear.

**Mr. HAMIDUL HUQ CHOWDHURY:** We do not know with whom this arrangement or agreement has been reached, Sir.

**The Hon'ble Mr. AHMED HOSSAIN:** I cannot agree to such a thing. No agreement has been arrived at on the subject of adjournment after the Bill is finished.

**Mr. LALIT CHANDRA DAS:** Our point of view should be understood in this way: We will not proceed with the business of the House today or till the time when the condition of Calcutta returns to normalcy. That is our position. And today a sort of a compromise was suggested to us by a member of the opposite side to the effect that we can have an adjournment till the 21st April provided we finish this Bill today, and it is with that end in view we were told in this House by the Minister in charge of the Bill to consider as to which amendments he could accept without any contest, etc., etc.

**Mr. PRESIDENT:** Order, order. Mr. Das, it is for you to settle the matter with the Government but my suggestion is this that the business of the House should not be conditional. If you think that the business before the House is important, then you should proceed with that business, and if Government also think similarly then they also should proceed with the business; if however they think that in the public interest the House should be adjourned and the opposition also agree with that now then the House should be adjourned, independently, of any condition as regards the transaction of the business of the House.

**Mr. LALIT CHANDRA DAS:** It is independent, Sir, in the sense that we refuse to work under present conditions; and certain suggestions were thrown from the Government side with regard to this Bill today and for this purpose we were taken to your Chamber; what was suggested there was probably heard by you, Sir, from the statement of the Hon'ble Minister, to which I gave a reply. When we met today the same suggestion was made to us. We are unwilling to go on with the work under present

circumstances and we were taken to the Hon'ble Minister's room where certain amendments were gone into and it was understood that certain amendments of the opposition would be accepted and certain others would not be accepted. But after coming to the House the Hon'ble Minister seems to have gone back upon what was done in his own chamber, but we may definitely repeat that under present circumstances we are not prepared to go on with the work till things return to the normal.

**The Hon'ble Mr. AHMED HOSSAIN:** I am sorry, Sir, but I have not gone back upon any assurance that I ever gave regarding the adjournment of the House. In fact that matter was never mentioned to me when we were discussing the amendments; therefore I cannot commit Government to anything like this.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, the position of Government is this: Government are very anxious that the business of the House should be finished. If the opposition can put forward any reasonable ground for getting the House adjourned when the Government have made arrangements for their transaction and even when Government have made arrangements for their safe conduct to the legislative chamber in a truck under an armed escort to and from their places of residence, I do not think the opposition can have any reasonable objection to proceed with the business and ask for an adjournment of the House. We are however prepared to consider the views of the party leaders and if we think those views are reasonable we may agree, but in our opinion those objections will not be reasonable as Government have made every arrangement for bringing the honourable members here from their respective houses and also for seeing to their return thereto.

**Mr. HAMIDUL HUQ CHOWDHURY:** I think, Sir, that we should take our legislative business more seriously. If legislative chamber is reduced to the position of a school and holiday is asked for a rainy day it is a great pity. How can we ask for adjournment when all other Government officers and Government offices are functioning and attending to their business? It is very unfortunate if legislative work is treated as less important than other work of Government. As a matter of fact, we know that when the situation has become serious we should not adjourn the House and run away in a holiday mood. Secondly, Sir, when Government have undertaken to provide the members of the Legislature with conveyance, there ought to be no disinclination on the part of the members to attend to the Legislative business. Then, Sir, it has been suggested that the House should be adjourned up to 21st April. It is quite probable that on the 21st a fresh demand for adjournment may be made by the members on the ground that the Constituent Assembly would be sitting and that the Hindu members on the Opposition side would not be able to take part in the legislative business. Unfortunately, Sir, the other House yesterday decided to adjourn the House without considering this implication. So if the spirit is that we should not work when all other Government work is done, I for myself would not agree to that suggestion. I think, Sir, that the business of the House is more serious than any other work and should not be taken so lightly.

**Mr. LALIT CHANDRA DAS:** Sir, yesterday I spoke very plainly with regard to this matter. I do not know whether Mr. Hamidul Huq Chowdhury was present here yesterday. I told the Hon'ble Finance Minister very plainly yesterday that the situation in Calcutta is such that we cannot attend to the ordinary business of the legislature when we have more urgent work outside. We are representatives of the people and we owe a duty to the people and in the present circumstances it is our duty as representatives of the people to go to the places of disturbances, and as a matter of fact we have asked for permits for this from the Government with a view to go where the disturbances are taking place in order to try

ıd restore peace and order and we received some sort of consent from the inance Minister yesterday. But it seems that that is plainly forgotten day. We say that the situation in Calcutta is abnormal and as a matter fact heads are broken, people are murdered in broad day light, arson going on everywhere and we want that these things are not only to be opped here in Calcutta but that steps should be taken so that it may not ıread to any other parts of the Province. We representatives of the ople want peace and order and we want the situation to be brought to ormaley. It is abnormal now and this view was taken by the members the Assembly yesterday and they have got actually the adjournment the House for this till 18th April. So no new argument is required for and we want it to be distinctly understood that we have our duty to ır constituency and we are running a great risk of danger and our nstituency requires our presence there to allay any communal tension that we may bring about peace among the two communities. That is e task now before us and it is much more important than attending to e business of the Legislature like this The legislative business to which e are attending now is not so important and it can very well wait for or 3 weeks and the heaven will not fall if this Bill is not passed today tomorrow. So if the Government is amenable to reason they will agree our proposal: if not, they can by brute majority do as they like and also know what to do.

**Mr. PRESIDENT:** May I know what has the Finance Minister got say with regard to this matter?

**The Hon'ble Mr. MOHAMMED ALI:** May I suggest, Sir, that inead of discussing this matter on the floor of this House, it may be disıssed in your Chamber?

**Mr. PRESIDENT:** Then shall I adjourn the House for another 10 inutes so that you come over to my Chamber and discuss the matter in a lmer atmosphere?

**The Hon'ble Mr. MOHAMMED ALI:** Yes, Sir, that is better.

**Mr. PRESIDENT:** The House stands adjourned for 10 minutes.

*(After adjournment.)*

**Mr. PRESIDENT:** May I now hear the Hon'ble the Finance Minisr regarding adjournment of the House?

**The Hon'ble Mr. MOHAMMED ALI:** Sir, as a demand has come from e Leader of the Opposition that they feel that they cannot do any ordiıry legislation in view of the abnormal situation, Government, though ey would have liked to continue the legisative work as they have a heavy ogramme, do not want that they should go on with the programme when ere is no member of the Opposition in the House. Members of the Oppotion have said that they would even withdraw from the House if their mand of adjourning the House was not conceded. Government do not ant to create this unhappy situation Therefore members of this side the House most reluctantly agree to the adjournment so that members this House may go to their respective areas and constituencies for the ırpose of promoting communal harmony, amity and concord. We may ierefore adjourn the House till 21st April, 1947.

## The Bengal Acquisition of Waste Land Bill, 1947.

**The Hon'ble Mr. FAZLUR RAHMAN:** Before the next business on ıe agenda is taken up to-day may I have your permission to present the House, under Rule 61(1) of the Bengal Legislative Council Proceıre Rules, the Bengal Acquisition of Waste Land Bill, 1947, as reported y the Select Committee?

**Mr. PRESIDENT:** Did you give notice?

**Mr. BIJOY SINGH NAHAR:** On a Point of Order, Sir. We have just now taken clause 1 of the Bengal Protection and Conservation of Fishes Bill, 1947. In the meantime the Hon'ble Mr. Fazlur Rahman is bringing in another thing. We have already taken clause 1 of the Bill.

**Mr. PRESIDENT:** If the House objects, he cannot do so.

**The Hon'ble Mr. FAZLUR RAHMAN:** I request that the House allow me to make the motion. I have got other work to do and if I am to wait to make my motion till the Bengal Protection and Conservation of Fishes Bill is taken up and finished it will be a long time and it will serve no good purpose if I waste time for nothing.

**Mr. PRESIDENT:** In view of the request made by the Hon'ble Minister and in view of the necessity for releasing Hon'ble Ministers as quickly as possible to do their other important work I propose to allow him to make his motion provided the House does not object to it.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, may I have your permission to present to the House, under Rule 61(1) of the Bengal Legislative Council Procedure Rules, the Bengal Acquisition of Waste Land Bill, 1947, as reported by the Select Committee?

Sir, with your permission I beg to give notice that I shall move on the 21st of this month that the said Bill be taken into consideration and passed as settled in the Council.

**Mr. LALIT CHANDRA DAS:** So far as amendments are concerned we want the maximum period allowable under the rules.

**Mr. PRESIDENT:** I would suggest that the members put in their amendments by 3 p.m. on the 16th. That will give full 7 days' time.

**Mr. LALIT CHANDRA DAS:** Sir, we have not yet got copies of the Bill as reported on by the Select Committee. When will the copies be made available to us?

**Mr. PRESIDENT:** I believe they will be available by Monday provided they are received from the press at the specified time.

**Mr: BIJOY SINGH NAHAR:** In this riot situation, Sir, postal delivery is not at all regular. Our papers may be sent by a peon, Sir, so that we can get them in time. If we rely on postal delivery now-a-days, the printed Bill may not at all reach us in time and even we may not get it.

**Mr. LALIT CHANDRA DAS:** Cannot a cycle peon be sent round to deliver our papers at our Calcutta addresses?

**Mr. PRESIDENT:** There are difficulties of sending the peons to the different addresses. The peons are afraid to go to all the areas risking their lives. When the situation improves we may send cycle peons but till that time we shall have to depend on the postal service.

## The Bengal Protection and Conservation of Fishes Bill, 1947.

*Clause 1.*

**Mr. PRESIDENT:** The question before the House is that clause 1 stand part of the Bill.

The question was put and agreed to.

*Clause 2.*

**Mr. PRESIDENT:** Clause 2 stand part of the Bill.

**Mr. LALIT CHANDRA DAS:** I beg to move that in the proviso to sub-clause (2) of clause 2 of the Bill, the words "below the rank of sub-inspector" be omitted.

**Mr. PRESIDENT:** Amendment moved that in the proviso to sub-clause (2) of clause 2 of the Bill, the words "below the rank of sub-inspector" be omitted.

**The Hon'ble Mr. AHMED HOSSAIN:** I accept the amendment, Sir.

**Mr. PRESIDENT:** The question before the House is that in the proviso to sub-clause (2) of clause 2 of the Bill, the words "below the rank of sub-inspector" be omitted.

The question was put and agreed to.

**Mr. PRESIDENT:** The question before the House is that clause 2 as amended stand part of the Bill.

The question was put and agreed to.

*Clause 3.*

**Mr. PRESIDENT:** Clause 3 stand part of the Bill.

**Mr. NUR AHMED:** Sir, I beg to move that in paragraph (*a*) (*ii*) of sub-clause (*3*) of clause 3 of the Bill, for the words "and bunds" in line 2, the words and comma "bunds, embankments and other structures" be substituted.

**Mr. PRESIDENT:** Amendment moved that in paragraph (*a*) (*ii*) of sub-clause (*3*) of clause 3 of the Bill, for the words "and bunds" in line 2, the words and comma "bunds, embankments and other structures" be substituted.

**The Hon'ble Mr. AHMED HOSSAIN:** I accept the amendment, Sir.

**Mr. PRESIDENT:** The question before the House is that paragraph (*a*) (*ii*) of sub-clause (*3*) of clause 3 of the Bill, for the words "and bunds" in line 2, the words and comma "bunds, embankments and other structures" be substituted.

The question was put and agreed to.

**Mr. NUR AHMED:** I beg to move that in paragraph (*a*) (*iii*) of sub-clause (*3*) of the clause 3 of the Bill, after the word "size" in line 1, the words "and form" be inserted and after the word "nets" in line 1, the words "or other contrivances" be inserted.

**Mr. PRESIDENT:** Amendment moved that in paragraph (*a*) (*iii*) of sub-clause (*3*) of clause 3 of the Bill, after the word "size" in line 1, the words "and form" be inserted and after the word "nets" in line 1, the words "or other contrivances" be inserted.

**The Hon'ble Mr. AHMED HOSSAIN:** I accept the amendment, Sir.

**Mr. PRESIDENT:** The question before the House is that in paragraph (*a*) (*iii*) of sub-clause (*3*) of Clause 3 of the Bill, after the word "size" in line 1, the words the words "and for" be inserted and after the word "nets" in line 1, "or other contrivances" be inserted.

(The question was put and agreed to.)

**Mr. NUR AHMED:** With your permission, Sir, I would like to make a technical amendment, namely, that for the words "any other apparatus",

as in my amendment, the words "any other contrivance" be substituted, so that it will read thus:—

that in paragraphs (*a*) *and* (*b*) of sub-clause (*5*) of clause 3 of the Bill, after the word "engine" wherever it occurs, the words "or any other contrivance" be added.

This is done simply to keep uniformity with the phraseology of the amendment just previously accepted.

**Mr. PRESIDENT:** Amendment moved that in paragraph (*a*) and (*b*) of sub-clause (*5*) of clause 3 of the Bill, after the word "engine" wherever it occurs the words "or any other contrivance" be added.

**The Hon'ble Mr. AHMED HOSSAIN:** Sir, I accept it.

**Mr. PRESIDENT:** The question before the House is that in paragraphs (*a*) and (*b*) of sub-clause (*5*) of clause 3 of the Bill, after the word "engine" wherever it occurs the words "or any other contrivance" be added.

The motion was put and agreed to.

**Mr. PRESIDENT:** The question before the House is that clause 3 as amended stand part of the Bill.

The motion was put and agreed to.

*Clause 4.*

**Mr. PRESIDENT:** Clause 4 stand part of the Bill.

The question before the House is that clause 4 stand part of the Bill.

The motion was put and agreed to.

*Clause 5.*

**Mr. PRESIDENT:** Clause 5 stand part of the Bill.

**Mr. LALIT CHANDRA DAS:** Sir, I beg to move that in sub-clause (*2*) of clause 5 of the Bill, for the word "two" occurring in line 3 and in line 4, the word "one" be substituted and before the word "imprisonment" in line 3 the word "simple" be inserted.... ....

Sir, may I make a verbal alteration in the amendment to make it more clear? I will keep everything intact. It is this:

That in sub-clause (*1*) of clause 5—

(*a*) in line 3 for the word "imprisonment" the words "simple imprisonment" be substituted;

(*b*) in lines 3 and 4 for the words "two months" the words "'one month" be substituted; and

(*c*) in line 4 for the word "two" the word "one" be substituted.

**Mr. PRESIDENT:** How does the clause read then?

**Mr. LALIT CHANDRA DAS:** It will read like this:

"The breach of any rule made under section 3 or of any prohibition notified under section 4 shall be punishable with simple imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.".

**Mr. PRESIDENT:** All right you move it.

**Mr. LALIT CHANDRA DAS:** I beg to move that in sub-clause (*1*) of clause 5—

(*a*) in line 3 for the word "imprisonment" the words "simple imprisonment" be substituted;

(*b*) in lines 3 and 4 for the words "two months" the words "one month" be substituted; and

(*c*) in line 4 for the word "two" the word "one" be substituted.

**Mr. PRESIDENT:** Amendment moved that in sub-clause (*1*) of clause 5—

(*a*) in line 3 for the word "imprisonment" the words "simple imprisonment" be substituted;

(*b*) in lines 3 and 4 for the words "two months" the words "one month" be substituted; and

(*c*) in line 4 for the word "two" the word "one" be substituted.

**The Hon'ble Mr. AHMED HOSSAIN:** I accept the amendment.

**Mr. PRESIDENT:** The question before the House is that in sub-clause (*1*) of clause 5—

(*a*) in line 3 for the word "imprisonment" the words "simple imprisonment" be substituted;

(*b*) in lines 3 and 4 for the words "two months" the words "one month" be substituted; and

(*c*) in line 4 for the word "two" the word "one" be substituted.

The motion was put and agreed to.

**Mr. LALIT CHANDRA DAS:** I beg to move that in sub-clause (*2*) of clause 5 of the Bill, (*i*) for the word "five" appearing in line 5, the word "two" be substituted; (*ii*) for the word "three" appearing in ilne 5, the word "two" be substituted; and (*iii*) before the word "imprisonment" in line 5, the word "simple" be inserted.

**Mr. PRESIDENT:** Amendment moved that in sub-clause (*2*) of clause 5 of the Bill, (*i*) for the word "five" appearing in line 4, the word "two" be substituted; (*ii*) for the word "three" appearing in line 5, the word "two" be substituted; and (*iii*) before the word "imprisonment" in line 5, the word "simple" be inserted.

**The Hon'ble Mr. AHMED HOSSAIN:** I accept the amendment.

**Mr. PRESIDENT:** The question before the House is that in sub-clause (*2*) of clause 5 of the Bill, (*i*) for the word "five" appearing in line 4, the word "two" be substituted; (*ii*) for the word "three" appearing in line, the word "two" be substituted; and (*iii*) before the word "imprisonment" in line 5, the word "simple" be inserted.

The motion was put and agreed to.

**Mr. PRESIDENT:** The question before the House that clause 5 as amended stand part of the Bill.

The motion was put and agreed to.

*Clause 6.*

**Mr. PRESIDENT:** Clause 6 stand part of the Bill.

**Mr. LALIT CHANDRA DAS:** Sir, in conformity with the amendment which has just been accepted by the Hon'ble Minister by dropping the proviso to clause 2, may I move at short notice that the word "police officer" may be dropped in clause 6 of the Bill.

**Mr. PRESIDENT:** Please let me have it in writing.

Mr. Das, do you propose to do away with the words "police-officer, or other"?

**Mr. LALIT CHANDRA DAS:** Yes, Sir, nothing else. I beg to move that in sub-clause (*1*) of clause 6 of the Bill, after the word "Any" in line 1, the words "police-officer, or other" be deleted.

**Mr. PRESIDENT:** Amendment, moved that in sub-clause (*1*) of clause 6 of the Bill, after the word "Any" in line 1, the words "police-officer, or other" be deleted.

**The Hon'ble Mr. AHMED HOSSAIN:** I accept the amendment.

**Mr. PRESIDENT:** The question before the House is that in sub-clause (*1*) of clause 6 of the Bill, after the word "Any" in line 1, the words "police-officer, or other" be deleted.

The question was put and agreed to.

**Mr. PRESIDENT:** The question before the House is that clause 6 as amended stand part of the Bill.

The question was put and agreed to.

*Clause 7.*

**Mr. PRESIDENT:** Clause 7 stand part of the Bill.

The question before the House is that clause 7 stand part of the Bill.

The question was put and agreed to.

*Clause 8.*

**Mr PRESIDENT:** Clause 8 stand part of the Bill.

The question before the House is that clause 8 stand part of the Bill.

The question was put and agreed to.

*Clause 9.*

**Mr. PRESIDENT:** Clause 9 stand part of the Bill.

The question before the House is that clause 9 stand part of the Bill.

The question was put and agreed to.

*Clause 10.*

**Mr. PRESIDENT:** Clause 10 stand part of the Bill.

The question before the House is that clause 10 stand part of the Bill.

The question was put and agreed to.

*Clause 11.*

**Mr. PRESIDENT:** Clause 11 stand part of the Bill.

The question before the House is that clause 11 stand part of the Bill.

The question was put and agreed to.

*Schedule.*

**Mr. PRESIDENT:** The question is that the Schedule stand part of the Bill.

**Mr. LALIT CHANDRA DAS:** Sir, with your permission I would like to make a slight correction in the figure in my amendment, namely, that for the amount of 25 rupees I want to make it 50 rupees. I beg to move that in column 2 of the Schedule, for the words "one hundred rupees" wherever they occur, the words "fifty rupees" be substituted.

**Mr. PRESIDENT:** I hope the House has no objection to this change in the amendment. All right.

Amendment moved that in column 2 of the schedule, for the words "one hundred rupees" wherever they occur, the words "fifty rupees" be substituted.

**The Hon'ble Mr. AHMED HOSSAIN:** I accept the amendment, Sir.

**Mr. PRESIDENT:** The question before the House is that in column 2 of the schedule, for the words "one hundred rupees" wherever they occur, the word "fifty rupees" be substituted.

The question was put and agreed to.

**Mr. LALIT CHANDRA DAS:** I beg to move that item 7 in the Schedule to the Bill be omitted.

**Mr. PRESIDENT:** Amendment moved that item 7 in the Schedule to the Bill be omitted.

**The Hon'ble Mr. AHMED HOSSAIN:** I accept the amendment, Sir.

**Mr. PRESIDENT:** The question before the House is that item 7 in the Schedule to the Bill be omitted.

The question was put and agreed to.

**Mr. PRESIDENT:** The question before the House is that the schedule as amended stand part of the Bill.

The question was put and agreed to.

*Title and Preamble.*

**Mr. PRESIDENT:** The question before the House is that the Title and the Preamble stand part of the Bill.

The question was put and agreed to.

**The Hon'ble Mr. AHMED HOSSAIN:** I beg to move that the Bengal Protection and Conservation of Fishes Bill, 1947, as settled in the Council, be passed.

**Mr. PRESIDENT:** Motion moved that the Bengal Protection and Conservation of Fishes Bill, 1947, as settled in the Council, be passed.

The question before the House is that the Bengal Protection and Conservation of Fishes Bill, 1947, as settled in the Council be passed.

The question was put and agreed to.

**Mr. PRESIDENT:** The House stands adjourned till 1-45 p.m. on the 21st April, 1947.

**Adjournment.**

The House then adjourned till 1-45 p.m. on Monday, the 21st April, 1947.

## Members absent.

The following members were absent from the meeting held on the 1st April 1947:—

(1) Mr. Sultan Ahmed.
(2) Rai Bahadur Dhirendra Lal Barua.
(3) Mr. L. P. S. Bourne.
(4) Khan Bahadur Syed Abdur Rashid Chowdhury.
(5) Mr. Hamidul Huq Chowdhury.
(6) Mr. Hemendra Kumar Das.
(7) Mr. Bankim Chandra Datta.
(8) Mr. Kamini Kumar Dutta.
(9) The Hon'ble Mr. Abdul Gofran.
(10) Mr. Mungturam Jaipuria.
(11) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(12) Mr. Humayun Z. A. Kabir.
(13) Mr. Syed Abdul Majid.
(14) Mr. Nagendra Nath Mahalanobish.
(15) Mr. George Morgan, C.I.E.
(16) Mr. T. B. Nimmo.
(17) Mr. Abdul Rashid.
(18) Dr. Kumud Sanker Ray.
(19) Mr. Biswanath Roy.
(20) Mr. Md. Taufiq.
(21) Haji Md. Yusuf.
(22) Mr. Amulyadhone Roy.

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session, 1947—No. 29.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, 21st April, 1947, at 1-45 p.m. being the 29th day of the First Session of 1947, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTIONS AND ANSWERS

### Muslim students in the Science classes.

**84. Mr. NUR AHMED:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that there is an extreme paucity of Muslim students in the Science classes in all the colleges and Universities in Bengal?

(b) Is it a fact that Sir Azizul Haque, ex-Vice-Chancellor of the University of Calcutta, in his convocation address of the University in 1941 drew the immediate attention of the Government to this fact?

(c) What was the total number of Muslim and non-Muslim students in the Science classes in (i) the University of Calcutta, (ii) the Dacca University and (iii) other colleges in Bengal, during the years 1940-41, 1941-42, 1942-43 and 1943-44, respectively?

(d) How many Muslim students and how many non-Muslim students passed I.Sc., B.Sc. and M.Sc. examinations from (i) the University of Calcutta, (ii) the Dacca University and (iii) all other colleges of Bengal during the years 1940, 1941, 1942 and 1943, respectively?

(e) Have any measures been adopted by the Government of Bengal to increase the number of Muslim students in the Science classes? If so, what are they?

**MINISTER IN CHARGE OF THE EDUCATION DEPARTMENT (the Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN):** (a) The number of Muslim students in Science classes of different colleges is rather small.

(b) Yes, but not in 1941. Attention of Government was drawn to this fact in the convocation address of 1940.

(c) and (d) A statement is laid on the Table.

(e) Yes. Restrictions of Divisions are relaxed in connection with the admission of Muslim students for the study of Science. To encourage the Muslim students to take up Science courses Government have made a special provision for Rs.20,640 per annum for award of stipends. There are also 6 scholarships of Rs.25 each per month to Muslim students who take up Honours in Botany, Physiology or Geology with the benefit of free tuition.

*Statement referred to in reply to clauses (c) and (d) of question No. 84.*

| | 1940-41. | | 1941-42. | | 1942-43. | | 1943-44. | |
|---|---|---|---|---|---|---|---|---|
| | Muslim. | Non-Muslim. | Muslim. | Non-Muslim. | Muslim. | Non-Muslim. | Muslim. | Non-Muslim. |
| (i) University of Calcutta. | 20 | 407 | 27 | 450 | 21 | 440 | 24 | 512 |
| (ii) Dacca University. | 125 | 276 | 120 | 234 | 138 | 216 | 117 | 208 |
| (iii) Government and Government aided Colleges. | 931 | 5,408 | 949 | 5,739 | 932 | 6,151 | 1,012 | 6,329 |
| Un-aided Colleges | 134 | 2,295 | 171 | 2,322 | 127 | 1,758 | 177 | 2,093 |

| | 1940. | | 1941. | | 1942. | | 1943. | |
|---|---|---|---|---|---|---|---|---|
| | Muslim. | Non-Muslim. | Muslim. | Non-Muslim. | Muslim. | Non-Muslim. | Muslim. | Non-Muslim. |
| (i) University of Calcutta— | | | | | | | | |
| M.Sc. .. | 3 | 108 | 2 | 115 | 5 | 128 | 4 | 114 |
| (ii) Dacca University— | | | | | | | | |
| B.Sc. .. | 13 | 57 | 38 | 66 | 34 | 68 | 29 | 51 |
| M.Sc. .. | 5 | 26 | 10 | 31 | 8 | 21 | 11 | 12 |
| (iii) Government and Government-aided colleges— | | | | | | | | |
| I.Sc. .. | 180 | 1,284 | 241 | 1,380 | 247 | 1,341 | 175 | 1,097 |
| B.Sc. .. | 43 | 396 | 32 | 424 | 51 | 515 | 81 | 761 |
| M.Sc. .. | 1 | 17 | 1 | 19 | 1 | 17 | Nil | 19 |
| Un-aided colleges— | | | | | | | | |
| I.Sc. .. | 23 | 626 | 26 | 550 | 24 | 492 | 29 | 409 |
| B.Sc. .. | 1 | 86 | 3 | 83 | 3 | 77 | 2 | 83 |

**Mr. LALIT CHANDRA DAS:** Will the Hin'ble Minister be pleased to state whether this special provision of 20,640 for award of stipends to Muslim students is in excess of Rs. 10,00,000 already allotted for the encouragement of Muslim students education?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Rs. 10,00,000 was allotted very recently. But this grant is being paid from before.

**Mr. LALIT CHANDRA DAS:** Has the Hon'ble the Education Minister actually spent this amount by giving out awards or stipends to the Muslim students?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Most of the awards have been given but when suitable candidates are not available the amount cannot be spent.

**Mr. LALIT CHANDRA DAS:** How much money is unspent?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** I want notice.

**Mr. LALIT CHANDRA DAS:** To how many Muslim students scholarship of Rs. 25/- per month has been awarded upto now?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** I cannot say that without notice. But as I have said the amount is spent when suitable candidates are available. In most years suitable candidates had been available, but I cannot give the exact number without notice.

### Abolition of the system of appointing members to Local Self-Governing Bodies.

**85. Khan Bahadur A. M. SHAHOODUL HAQUE:** (*a*) Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state whether Government are agreeable to the abolition of the system of appointing members to the local self-governing bodies.

(*b*) If so, when do the Government propose to amend the relevant Acts to give effect to this?

(*c*) Do the Government propose to defer the elections to the district boards, local boards and municipalities in Bengal, till the relevant Acts have been so amended?

(*d*) If not, why not?

**MINISTER IN CHARGE OF THE DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT (the Hon'ble Mr. MOHAMMED ALI):** (*a*) The system of appointing members to union boards has been discontinued by Government order contained in notification No 2136L.S.-G., dated the 11th September, 1945. The question of abolition of the system of appointing members to other local self-government bodies under the administrative control of this department is under consideration of Government.

(*b*) to (*d*) Do not arise at this stage.

### Establishment of a Muslim University in Bengal.

**86. Mr. LALIT CHANDRA DAS:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that a number of Muslim communalists is urging upon the Ministry to earmark at least one-third of the lump grant received from the Central Government for establishment of a Muslim University in Bengal and to acquire for the proposed University 2,000 *bighas* of suitable lands near Calcutta?

(*b*) If so, what is the Government's intention with respect to the proposed Muslim University in Bengal? Who will bear the costs thereof?

(*c*) Are the Government aware of the fact that the existing educational institutions are in great financial difficulties and are in need of adequate Government grant?

(*d*) What about making primary education both free and compulsory in Bengal?

(*e*) Will Government consider the desirability of meeting these needs first before deciding on establishment of a communal University in this Province?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** (*a*) No. There have been some Press comments on the establishment of Universities in Bengal. There is a genuine demand from the Muslim nation for a Muslim University. 2,000 *bighas* of land is going to be acquired near Calcutta for the development of Islamia College which may be further developed to a residential University.

(*b*) and (*c*) Do not arise.

(*c*) Yes, and Government have under their consideration schemes for increased grants to colleges for Science teaching.

(*d*) Government are seriously considering the question of introducing free and compulsory primary education in Bengal from 1947-48.

**Mr. LALIT CHANDRA DAS:** Is the Hon'ble Minister aware that there is a genuine opposition from non-Muslim population of Bengal for the establishment of a communal University such as the one under consideration?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Government have not yet decided the establishment of any university but it has decided to develop the Islamia College.

**Mr. LALIT CHANDRA DAS:** Are the Government aware of the genuine opposition of the non-Muslim population to it?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** No, Government are not aware of it.

**Mr. BIREN ROY:** With reference to answer under (*b*) as "Do not arise," regarding the financial position in relation to answer under (*a*), namely 2,000 *bighas* of land is going to be acquired near Calcutta, will the Hon'ble Minister please state what is the approximate idea of the price of a *bigha* of land near Calcutta and the cost involved?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Rs. 200 per *bigha* and the whole thing would, it is estimated, cost Rs. 4 lakhs but it may cost Rs. 5 lakhs.

**Mr. BIREN ROY:** Rs. 200 per *bigha* in Calcutta!

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** No, not in Calcutta, but very near Calcutta—within 30 miles from Calcutta.

**Mr. HARIDAS MAZUMDAR:** Arising out of (*a*), will the Hon'ble Minister please explain the difference between the meaning of Muslim Nation and Bengali Nation as stated by the Hon'ble the Chief Minister in his last statement?

**Mr. PRESIDENT:** That question does not arise.

**Mr. LALIT CHANDRA DAS:** Is there any such thing as the Muslim Nation in Bengal?

**The Hon'ble Mr. SAIYED MUZZAMUDDIN HOSAIN:** Certainly.

**Mr. LALIT CHANDRA DAS:** As distinguished from?

**The Hon'ble Mr. SAIYED MUAZZAMUDIN HOSAIN:** The Hindu Nation.

**Mr. LALIT CHANDRA DAS:** Where?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** In Bengal.

**Mr. LALIT CHANDRA DAS:** In view of the reply of the Hon'ble Minister that "There is a genuine demand from the Muslim Nation for a Muslim University, etc." will the Hon'ble Minister be pleased to state whether that nation approached the Government with a contribution for the establishment of such a university?

**The Hon'ble Mr. SAIYED MUAZZAMUDIN HOSAIN:** They ventilated the facts in the papers.

**Mr. LALIT CHANDRA DAS:** Did they approach the Government with any contribution for the purpose of the establishment of a Muslim University?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** They have not yet done so.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister demand from the Muslim Nation sufficient contribution for the establishment of a Muslim University before the question is considered at all?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Yes, it will certainly be considered when the question of the establishment of the university arises.

### Calcutta Disturbances Commission of Enquiry.

**87. Mr. HARIDAS MAJUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if his attention has been drawn to a notification published in the Calcutta newspapers on the 11th instant in the name of Mr. J. Saddler, Secretary, Calcutta Disturbances Commission of Enquiry, Writers' Buildings, Calcutta, which states amongst other things that only the evidence of those whose statement refer to occurrences which took place within their personal knowledge is asked for and further that with questions of compensation the Commission of Enquiry are not concerned and also that certain particulars are required to be supplied to the said Mr. Saddler at the address of the Writers' Buildings by noon Thursday, the 26th September, 1946?

(*b*) Do the Government propose to continue the office of this Enquiry Commission in the Secretariat Buildings or in a freer atmosphere in an independent house outside the Secretariat with an independent staff?

(*c*) Do the Government consider it advisable to collect the names of the persons willing to appear before the Commission as early as the 26th September, 1946, in view of the fact that the people are suspicious of the manipulation of those very persons in authority whose conduct is the subject matter of the present enquiry and are further apprehensive of intimidation and annoyance if they come out so early?

(*d*) Do the Government propose to cancel that part of the notification of said Mr. Saddler which lays down procedure as to what evidence to be taken and what not in view of the publication of the terms of reference of the Commission of Enquiry subsequently?

(*e*) Do Government reconsider their decision not to include the question of compensation in the terms of reference of the Enquiry of Commission to avoid future complications?

(*f*) If not, why not?

**The Hon'ble Mr. MOHAMMED ALI (on behalf of Minister-in-charge of the Home Department):** (*a*) Yes.

(*b*) The office which was temporarily located in Writers' Buildings for want of suitable accommodation was shifted to Belvedere as soon as possible. The staff which includes men and officers of this Government as well as of

the Federal Court of India and the High Courts of Calcutta, Patna and Madras and Chief Courts of Sind and Oudh are under the direct control of the Commission.

(*c*) and (*d*) These were matters for the Commission and Government had nothing to do with them.

(*e*) No.

(*f*) Government have no liability to pay compensation for losses resulting from civil disturbances but have decided to make *ex gratia* payment in accordance with the scheme of rehabilitation that is being pursued separately.

**Mr. HARIDAS MAJUMDAR:** Will the Government be pleased to state if they are liable to protect the life and property and honour of the people of the province?

**The Hon'ble Mr. MOHAMMED ALI:** Yes, that is one of the functions of Government to enforce law and order in the areas committed to their charge and to protect the life and properties of the citizens inhabiting those areas.

**Mr. HARIDAS MAJUMDER:** If the responsibility of the Government is to protect the life and property of citizens, but if, by their negligence or by their default or by their incompetence, the life and property of citizens are not saved from the hands of the goondas——

**Mr. PRESIDENT:** That is a hypothetical question.

**Mr. HARIDAS MAJUMDAR:** In such cases are the Government not liable to pay compensation to the sufferers?

**The Hon'ble Mr. MOHAMMED ALI:** If civil commotion and disturbances of the magnitude that was witnessed in August 1946 arises, Government are not liable for the damages inflicted by members of certain communities on members of other communities.

**Mr. HARIDAS MAJUMDAR:** Is this not the result of the Direct Action Day declared by the Government?

**The Hon'ble Mr. MOHAMMED ALI:** That is a matter of opinion.

### Total strength of the members of the Bengal Judicial service.

**88. Khan Sahib MOBARAK ALI KHAN:** (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*i*) the total strength of the members of the Bengal Judicial Service; and

(*ii*) the total strength of the Muslim members of the said service?

(*b*) Is there any rule fixing the proportion of Muslim members in the said service?

(*c*) If so, has that rule been acted upon?

(*d*) If not, have the Government under contemplation any scheme for securing proportionate strength of Muslims in the said service?

**Rai Bahadur DHIRENDRA LAL BARUA, Parliamentary Secretary (on behalf of Minister-in-charge of the Judicial Department):** (*a*) (*i*) The present actual strength of the Bengal Civil Service (Judicial) is 287 comprising 39 Subordinate Judges, 229 Munsifs and 19 probationary Munsifs.

(*ii*) Ninety-five (7 Subordinate Judges, 80 Munsifs and 8 probationary Munsifs).

(*b*) The Bengal Services Recruitment (Communal Ratio) Rules, 1940, have been made applicable to the service by notification No. 2034J., dated the 9th June, 1941.

(*c*) Yes.

(*d*) Does not arise.

**Khan Sahib MOBARAK ALI KHAN:** Supplementary question. With regard to reply (*a*) (*ii*) does this satisfy the communal ratio rules?

**Rai Bahadur DHIRENDRA LAL BARUA:** The Communal Ratio Rules are observed ever since such rules were made applicable to the service, i.e., by notification No. 2034J., dated the 9th June, 1941.

## Adjournment Motion.

**Mr. LALIT CHANDRA DAS:** Sir, I have got an adjournment motion.

**Mr. PRESIDENT:** Yes, there are two adjournment motions in your name; which one do you propose to move?

Mr. **LALIT CHANDRA DAS:** Of course, the first one.

**Mr. PRESIDENT:** Let me see.

**Mr. LALIT CHANDRA DAS:** I beg to move this Council——

**Mr. PRESIDENT:** You need not read the motion now. Just a minute. This is the notice of an adjournment motion that I have received: I have not yet given my consent to the motion but I propose to decide the point after hearing the views of Government. The notice is this:—

**Mr. LALIT CHANDRA DAS:** To move that this Council do adjourn its business to discuss a definite matter of urgent public importance, and of recent occurrence, namely the serious situation arising out of the barbarities committed by the Punjabi Armed Police of the Government of Bengal who on the night of 14th April last forcibly entering into the premises No. 100, Harrison Road, in Central Calcutta caused by the butt end of their rifles and other means injuries to the persons of several unoffending men, women and children of that premises and, what is most shocking and revolting, raped on lady inmate of the same.

May I hear Government's views on this matter? Do they object to this motion?

**The Hon'ble Mr. MOHAMMED ALI:** I do not object, Sir, but I would just like to make one submission.

**Mr. LALIT CHANDRA DAS:** Sir, as he has no objection, he cannot have submission to make either, before it is admitted.

**The Hon'ble Mr. MOHAMMED ALI:** I will make my comments later, after it is admitted.

**Mr. PRESIDENT:** But it is for the Chair to decide whether the motion will at all be admitted on hearing both sides.

**The Hon'ble Mr. MOHAMMED ALI:** But I can make comments afterwards, Sir.

**Mr. PRESIDENT:** But I have not yet decided whether the motion should be admitted or not. I have not yet given my consent. I will therefore hear what Government have got to say regarding admissibility of the motion.

**Mr. LALIT CHANDRA DAS:** But, Sir, the Government have already said that they have no objection.

**Mr. HARIDAS MAJUMDAR:** Yes, Sir, that is what Mr. Mohammed Ali said.

**Mr. PRESIDENT:** Please listen to me. It does not always depend upon the Government. Even if the Government does not object, the Chair may refuse consent.

**Mr. HARIDAS MAJUMDAR:** You have got that opportunity now; so why need the Chair wait for the Government's views?

**Mr. PRESIDENT:** Yes, but I must know certain facts from Government. So, don't get impatient, please.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, what I was going to submit is that this matter is now being investigated into, and no report has yet been received by Government; therefore no fruitful purpose will be served if this adjournment motion is discussed at this stage. If you think, Sir, that this motion can be admitted, when I would request that a day be fixed subsequent to the 22nd, or any date afterwards because Government think that before that time it will not be possible for us to know the full details.

**Mr. PRESIDENT:** I think this matter is of great public importance and I give my consent to it, but in view of what is said by the Hon. Minister I would fix——

**Mr. LALIT CHANDRA DAS:** As regards the date, I would suggest to-morrow, because it is on that day that this matter will be discussed in the other House; for, otherwise it will become stale.

**Mr. HARIDAS MAJUMDAR:** We do not want the date to go beyond the date in the Assembly.

**The Hon'ble Mr. MOHAMMED ALI:** I would suggest the day after to-morrow. For Government even after receiving the report will have to go through it——

**Mr. PRESIDENT:** Well, if this matter can be taken up in the other House to-morrow and debated there, I see no season why the same thing cannot be done here, too.

**The Hon'ble Mr. MOHAMMED ALI:** I hope you will kindly realise that the Assembly will sit at 4-30, and by the time, after receiving the report, Government will be in a position to know the full facts by 5 o'clock and you will also agree, I hope, that after the report is received by Government subsequent or consequential enquiries may have to be made by Government, so that they may not have the full information desirable at 2 o'clock.

**Mr. PRESIDENT:** Please try to expedite the matter. I fix to-morrow as the date, because I think that if Government are in a position to agree to the discussion of the matter in the other House to-morrow, they can as well do so in this House too.

**The Hon'ble Mr. FAZLUR RAHMAN:** One word, Sir. I hope that you will agree that even if Government receive the report early to-morrow, they may require additional information and it may not be forthcoming when this House meets.

**Mr. PRESIDENT:** I am afraid I do not agree. Because in that case Government should not have agreed to take up this matter in the other House to-morrow. I fix to-morrow at 1-45 p.m. for the discussion of this adjournment motion.

## Message from the Governor.

**Mr. NUR AHMED:** Sir, with your permission I would like to mention one thing most important.....

**Mr. PRESIDENT:** Mr. Nur Ahmed, will you kindly wait for a few minutes as I have got to read a message. After the message is read you may mention what you have got to say.

Order, order. I have received the following message from His Excellency the Governor under section 75 of the Government of India Act, 1935:—

## The Bengal Embankment (Amendment) Bill, 1946.

*Message from His Excellency the Governor under section 75 of the Government of India Act, 1935, dated the 8th April, 1947.*

The Bengal Embankment (Amendement) Bill, 1946, has been passed by both Chambers of the Bengal Legislature and has been presented to the Governor in accordance with section 75 of the Government of India Act, 1935. Having given my most careful attention to the Bill, I am of opinion that it is my duty to return it to the Legislature in accordance with the proviso to the said section and to request the Chambers to consider it in regard to the following points.

2. After the Proclamation under section 93 of the Government of India Act, 1935, was issued on the 31st March, 1945, the Bengal Embankment (Amendment) Act, 1945 (Bengal Act VI of 1945), containing provisions identical with those contained in the Bengal Embankment (Amendment) Bill, 1946, was enacted by me by virtue of the legislative powers assumed to myself by the said proclamation and the said Act is now in force and will, under sub-section (4) of section 93 of the Government of India Act, 1935, continue to have effect until two years have elapsed from the date on which the said Proclamation ceased to have effect, i.e., from the 24th April, 1946, unless sooner repealed or re-enacted by an Act of the appropriate Legislature.

3. I am advised that the enactment of this Bill would not be deemed to be re-enactment of the Bengal Embankment (Amendment) Act, 1945, within the meaning of sub-section (4) of section 93 of the Government of India Act, 1935, and that, as the said Act has not been expressly repealed in the Bill, the said Act would continue to operate even after the enactment of the Bill. The enactment of the Bill in its present form would thus cause two separate pieces of legislation containing identical provisions to co-exist, and this would result in both legal and administrative confusion It is necessary therefore, to include in the Bengal Embankment (Amendment) Bill, 1946, a provision for expressly repealing the Bengal Embankment (Amendment) Act, 1945.

4. I consider that opportunity should also be taken to change the year in the short title of the Bill from "1946" to "1947" which has been necessitated owing to efflux of time.

5. After due consideration therefore, I have decided to recommend to the Bengal Legislative Chambers that the Bill be amended in the manner stated in the following recommendation to include therein provisions for repealing expressly the Bengal Embankment (Amendment) Act, 1945, and for changing the year in the short title of the Bill and I appoint the Hon'ble Mr. Tarak Nath Mukherjea, C.I.E., M.B.E., Minister-in-charge of the Irrigation and Waterways Department, to be the member in charge of the Bill.

6. In pursuance of the provisions of the proviso to section 75 of the Government of India Act, 1935, I, Frederick John Burrows, Governor of Bengal, do recommend to the Bengal Legislative Chambers that they do

amend the Bengal Embankment (Amendment) Bill, 1946, by the adoption, without further amendment, of the following amendments, that is to say,—

(1) In clause 1 of the Bill, for the figures "1946" the figures "1947" shall be substituted.

(2) After clause 2 of the Bill the following clause shall be added, namely,—

(3) **"Repeal of Bengal Act VI of 1945."** The Bengal Embankment (Amendment) Act, 1945, is hereby repealed."

**Mr. HARIDAS MAZUMDAR:** On a point of information, Sir. Has not Mr. Tarak Nath Mukherji renounced his title, he being a Leaguer? May I know whether he has renounced his title?

**Mr. PRESIDENT:** I do not know if he has renounced his title. At least I have no information on the point.

### Assent to the Bengal Ordinances (Temporary Enactment) Bill, 1947.

**Mr. PRESIDENT:** I have now to inform the honourable members that the Bengal Ordinances Temporary Enactment Bill, 1947, which was passed by both Chambers of the Bengal Legislature has been assented to by His Excellency the Governor-General under the provisions of section 76(1) of the Government of India Act, 1935.

### Special Motion

**Mr. NUR AHMED:** Sir, I gave notice of a motion under rule 96 regarding a very important and urgent matter that is with regard to the joint peace appeal issued by the two greatest Indian leaders, Mr. Jinnah and Mr. Gandhi and I request you to allow me to move it. I find from the proceedings of the Council of State and also of the U. P. legislature that the normal business was suspended for a time and such a motion was considered and I hope you will kindly permit me to allow to do that. I would also appeal to the Hon'ble Minister to suspend for a time the normal business and allow me to move this very important motion.

**Mr. PRESIDENT:** I am prepared to give my consent to it but it has got to be referred to the Hon'ble Minister-in-charge of the Chief Minister's Department. Now, suppose the Chief Minister agrees what date do you suggest for the discussion?

**The Hon'ble Mr. MOHAMMED ALI:** It should be taken up on a non-official day.

**Mr. BIJOY SINGH NAHAR:** Cannot it be taken up to-day, as it is a very important matter?

**Mr. PRESIDENT:** The Chief Minister is not here. Without his consent this motion cannot be admitted and so it cannot be taken up to-day.

**The Hon'ble Mr. MOHAMMED ALI:** We may take it up on a non-official day.

**Mr. KAMINI KUMAR DUTTA:** As this is a very important, this should be taken up on an official day.

**The Hon'ble Mr. MOHAMMED ALI:** When a thing is sponsored by a non-official member it is a non-official business and when it is sponsored by an official member then the business is official.

**Mr. PRESIDENT:** It cannot be considered as an official business but it might be taken on a day of Government business provided Government agree to it. The order paper is settled by Government.

**Mr. KAMINI KUMAR DUTTA:** Sir, the opinion of my party is that as it is a very important matter not only of this province but also of the whole of India, it has got to be discussed not on a non-official day.

**Mr. PRESIDENT:** As regards the fixing of date for its discussion, let us wait till tomorrow for the Chief Minister's consent.

## The Bengal Acquisition of Waste Land Bill, 1947.

**Mr. KAMINI KUMAR DUTTA:** Sir, meanwhile, may I mention one other thing. The Bengal Acquisition of Waste Land Bill with the report of the Select Committee was presented to the House on the 1st of April when the House adjourned. Copies of the Bill with the Report of the Select Committee were not made available to the members till a late stage. After that the House being adjourned the members were scattered all over the province they having returned to their constituencies to preach peace and goodwill among the warring communities. So speaking for my Party we could not meet together to consider the Bill as it emerged from the Select Committee and the amendments that were to be put in before to-day. The Bill is of such vital importance that it requires more time for amendments to be put in to the clauses of the Bill Feeling this necessity from my own place of residence in East Bengal I sent a wire requesting that the time for submitting amendments may be extended and the President was pleased to send a reply to that that this matter might be placed before the House when it met on the 21st, i.e., today This Bill, as I said, is of vital importance and we have to take the greatest possible care to suggeset useful amendments which means that more time will be required. So I ask for more time to put in amendments.

**The Hon'ble Mr. FAZLUR RAHMAN:** I do not think, Sir, that it is a reasonable request to ask for more time to put in amendments because the time limit to put in amendments was fixed by you, Sir, before the House adjourned with the consent of all parties including the Opposition. And now to ask for more time for the same purpose does not seem to me to be reasonable in view of the fact that they have already tabled as many as 500 amendments and the long interval since the House was adjourned should have given them sufficient time to draft and scrutinise their amendments. I understand further that the Department could not cope with the huge number of amendments already tabled and could not get them printed. And now if more time is allowed that will give scope to put in another 500 amendments and to have them printed by the department will take still longer time. So I do not think that the request for more time to put in amendments is reasonable and desire that the Bill should be taken up for consideration to-day.

**Mr. PRESIDENT:** The position is this. There are already 600 amendments and with the few typists in the department it was not possible to cope with so many of the amendments in time and I am informed by the Secretary that at least a week's time will be necessary to analyse the amendments, tabulate them properly and to get them printed. So the Bill can not be taken up clause by clause before next Tuesday in any case. In the meantime you can certainly discuss amongst yourselves the amendments which you have already tabled and in view of the fact that as many as 600 amendments have been tabled mostly, I believe, from the Opposition, I do not feel that there is much justification for further time to put in amendments.

**Mr. BIJOY SINCH NAHAR:** Our difficulty was this. Copies of the Bill with the report of the Select Committee were not supplied to us well ahead of the time fixed for putting in amendments to the clauses of the Bill. We got the report of the Select Committee on the 9th; some even got it on

the 10th. 16th was the last date fixed for putting in amendments. 15th was the Bengalee New Year Day. Within the short time at our disposal we no doubt put in amendments but they have been put in haphazardly. We want further time, longer time, so that we can have a discussion among ourselves and submit better amendments and useful amendments in place of the haphazard ones submitted already. That is the reason why we want an extension of time.

**Mr. PRESIDENT:** I think there should be an agreement between the Government and the Opposition on this matter and I would suggest that the Hon'ble Minister and the Hon'ble the Leader of the Opposition should discuss this matter between themselves and come to me with their concrete proposals. I do not want either to stand in the way of the Government or to exend the ime asked for by the Opposition without an agreement on my own initiative in view of the fact that there are already some 600 amendments.

**The Hon'ble Mr. FAZLUR RAHMAN:** The difficulty, if you extend the time, will be that another 500 amendments will crop up and the consideration of this Bill will be postponed by another fortnight.

**Mr. PRESIDENT:** Well, that is a matter which you can discuss with the Leader of the Opposition.

**The Hon'ble Mr. FAZLUR RAHMAN:** I am prepared to discuss the matter with him, Sir.

**Mr. PRESIDENT:** In any case this Bill cannot be taken up for consideration to-day or before Tuesday next.

**Mr. BANKIM CHANDRA DUTTA:** Sir, would it be impossible for Government to accede to the request to extend the date by only two days in view of the fact that the matter cannot be taken up early?

**Mr. PRESIDENT:** Mr. Dutta, I have already suggested that it is for your leader to discuss the matter with the Hon'ble Minister in charge and to come to an agreement with him, if he can. As regards the motion that the Bill be taken up for consideration I believe that there are some amendments.

**Mr. LALIT CHANDRA DAS:** That also will come up on Tuesday, Sir.

## GOVERNMENT BILLS.

### The Bengal Undesirable Advertisements (Control) Bill, 1947.

**The Hon'ble Mr. MOHAMMED ALI:** I beg to move that the Bengal Undesirable Advertisements (Control) Bill, 1947, be taken into consideration.

Sir, members of the House are aware that undesirable, objectionable and sometimes obscene advertisements frequently appear which relate to alleged cures of sexual disorders, veneral disorders and diseases peculiar to women, that do considerable harm to the public. They are not merely advertisements for bogus medicines which are prescribed by quacks but they lure away persons suffering from those diseases from taking medicines from qualified practitioners. Therefore they cause a good deal of harm to the patients because delay causes them to suffer more and makes recovery more difficult. Therefore, it is necessary for Government to prohibit these sorts of advertisements of medicines which are made by quacks and which lure away patients from proper treatment. Members of this House are also aware of many kinds of obscene advertisements in hoardings, in bills, in pamphlets and newspapers, and it is necessary to control them. But it is

not the intention of Government to prohibit advertisements by qualified medical practitioners of good potent medicines and therefore there is a provision in the Bill that permission can be obtained from an officer to be appointed by Government and those advertisements can appear. There is also a provision in the Bill that literature describing the prescribed medicines, and other kinds of brochures issued by medical practitioners or by manufacturing concerns issued privately to medical practitioners, should be allowed. So these provisions in this Bill are very salutary and very essential. There was an Ordinance in force which presented this kind of advertisement but that Ordinance has now expired. It is therefore necessary that we should put these provisions in the statute book. With these words I commend my motion to the acceptance of the House.

**Mr. PRESIDENT:** Order, order. Motion moved that the Bengal Undesirable Advertisements (Control) Bill, 1947, be taken into consideration.

The question was put and agreed to.

*Clause 1.*

**Mr. PRESIDENT:** Clause 1 stand part of the Bill.

The question before the House is that clause 1 stand part of the Bill.

The motion was put and agreed to.

*Clause 2.*

**Mr. PRESIDENT:** Clause 2 stand part of the Blil. The question before the House is that clause 2 stand part of the Bill.

The motion was put and agreed to.

*Clause 3.*

**Mr. PRESIDENT:** Clause 3 stand part of the Bill.

**Mr. C. MORGAN:** I beg to move that in sub-clause (1) of clause 3 of the Bill, the words and comma "treat, or" in line 2 be omitted

Sir, what I want to do is self-evident. You cannot treat diseases by advertisement.

**Mr. PRESIDENT:** Amendment moved that in sub-clause (*1*) of clause 3 of the Bill, the words and comma "treat, or" in line 2 be omitted.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, I accept the amendment.

**Mr. PRESIDENT:** The question before the House is that in sub-clause (*1*) of clause 3 of the Bill, the words and comma "treat, or" in line 2 be omitted.

The motion was put and agreed to.

**Mr. ABDUL RASHID:** I beg to move that in sub-clause (*2*) of clause 3 of the Bill.

(*a*) after the word "distribution" the words "or exhibition" be inserted, and

(*b*) after the words "to be circulated" the words "or exhibit or cause to be exhibited" be inserted.

**Mr. PRESIDENT:** Amendment moved that in sub-clause (*2*) of clause 3 of the Bill—

(*a*) after the word "distribution" the words "or exhibition" be inserted, and

(*b*) after the words "to be circulated" the words "or exhibit or cause to be exhibited" be inserted.

The question before the House is that in sub-clause (*2*) of clause 3 of the Bill—

(*a*) after the word "distribution" the words "or exhibition" be inserted; and

(*b*) after the words "to be circulated" the words "or exhibit or cause to be exhibited" be inserted.

The motion was put and agreed to.

**Mr. C. MORGAN:** I beg to move that at the end of clause 3 of the Bill, the following new sub-clause be added, namely:—

"(3) Any magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any premises whereon or wherein any advertisement or any label or set of instructions referred to in sub-section (*2*) is or is reasonably suspected to be and may seize and detain any copies thereof".

I think, Sir, that this addition is necessary if the Bill is to work properly.

**Mr. PRESIDENT:** Amendment moved that at the end of clause 3 of the Bill, the following new sub-clause be added, namely:—

"(3) Any magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any premises whereon or wherein any advertisement or any label or set of instructions referred to in sub-section (*2*) is or is reasonably suspected to be and may seize and detain any copies thereof".

**The Hon'ble Mr. MOHAMMED ALI:** Sir, I oppose this amendment. The Magistrate has power under section 96 of the C.P.C. to issue such warrant, therefore the police officer can always get a search warrant from the Magistrate if he shows reasonable ground for the issue of warrant. There is therefore no need for this amendment. And I hope Mr. Morgan will withdraw his amendment.

**Mr. PRESIDENT:** The question before the House is that at the end of clause 3 of the Bill, the following new sub-clause be added, namely—

"(3) Any magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any premises whereon or wherein any advertisement or any label or set of instructions referred to in sub-section (*2*) is or is reasonably suspected to be and may seize and detain any copies thereof".

The motion was put and lost.

**Mr. PRESIDENT:** The question before the House is that clause 3 as amended stand part of the Bill.

The motion was put and agreed to.

*Clause 4.*

**Mr. PRESIDENT:** Clause 4 stand part of the Bill.

**Mr. C. MORGAN:** I beg to move that in sub-clause (*1*) of clause 4 of the Bill, after the word "thing" in line 11, the words "and all copies thereof" be inserted.

It is necessary to define the thing in an Act.

**Mr. PRESIDENT:** Amendment moved that in sub-clause (*1*) of clause 4 of the Bill after the word "thing" in line 11, the words "and all copies thereof" be inserted.

**The Hon'ble Mr. MOHAMMED ALI:** I accept the amendment.

**Mr. PRESIDENT:** The question before the House is that in sub-clause (*1*) of clause 4 of the Bill, after the word "thing" in line 11, the words "and all copies thereof" be inserted.

The motion was put and agreed to.

**Mr. C. MORGAN:** I beg to move: that at the end of clause 4 of the Bill, the following sub-clause be added, namely:—

"(*3*) Where in pursuance of sub-section (*1*) any newspaper, periodical, pamphlet, hand-bill, or other document or article or thing has been declared to be forfeited to His Majesty, any police officer may seize any copy thereof, wherever found, and any magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any premises whereon or wherein such newspaper, periodical, pamphlet hand-bill, or other document or article or thing or any copy thereof is or is reasonably suspected to be."

**Mr. PRESIDENT:** Amendment moved that at the end of clause 4 of the Bill, the following sub-clause be added, namely:—

"(*3*) Where in pursuance of sub-section (*1*) any newspaper, periodical, pamphlet, hand-bill, or other document or article or thing has been declared to be forfeited to His Majesty, any police officer may seize any copy thereof, wherever found, and any magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any premises whereon or wherein such newspaper, periodical, pamphlet, hand-bill, or other document or article or thing or any copy thereof is or is reasonably suspected to be."

**The Hon'ble Mr. MOHAMMED ALI:** I welcome this amendment which follows the form of the Defence of India rule 40, sub-rule (*3*). It will increase the efficiency and control. Therefore I accept this amendment with pleasure.

**Mr. PRESIDENT:** The question before the House is that at the end of clause 4 of the Bill, the following sub-clause be added, namely:—

"(*3*) Where in pursuance of sub-section (*1*) any newspaper, periodical, pamphlet, hand-bill, or other document or article or thing has been declared to be forfeited to His Majesty, any police officer may seize any copy thereof, wherever found, and any magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any premises whereon or wherein such newspaper, periodical, pamphlet hand-bill, or other document or article or thing or any copy thereif is or is reasonably suspected to be."

The motion was put and agreed to.

**Mr. PRESIDENT:** The question before the House is that clause 4 as amended stand part of the Bill.

The motion was put and greed to.

*Clause 5.*

**Mr. PRESIDENT:** Clause 5 stand part of the Bill.

The question before the House is that clause 5 stand part of the Bill.

The motion was put and agreed to.

*Clause 6.*

**Mr. PRESIDENT:** Clause 6 stand part of the Bill.

**Mr. C. MORGAN:** I beg to move that in paragraph (*b*) of clause 6 of the Bill for the word "advertisement" in line 1, the words "notice, circular or announcement" be substituted.

**Mr. PRESIDENT:** Amendment moved that in paragraph (*b*) of clause 6 of the Bill for the word "advertisement" in line 1, the words "notice, circular or announcement" be substituted.

**The Hon'ble Mr. MOHAMMED ALI:** I oppose this amendment. This amendment would raise difficulties and is unnecessary. Advertisement as defined in clause 2(*1*) includes notice, circular or announcement. Many of the pamphlets, etc., which are sent to doctors are advertisements for drugs and instruments whether they are also notices, circulars or announcements or not. If clause 6(*b*) is restricted to notices, circulars and announcements it would mean that a doctor receiving those documents in the form of advertisements would not be protected by clause 6(*b*). The fact really is that such notices, etc., sent to a doctor are advertisements and there appears to be no reason why a doctor should be prohibited from receiving them as such. For these reasons I oppose this amendment.

**Mr. PRESIDENT:** Order, Order. The question before the House is that in paragraph (*b*) of clause 6 of the Bill for the word "advertisement" in line 1 the word "notice, circular or announcement" be "*substituted.*"

The question was put and lost.

**Mr. C. MORGAN:** Sir, I beg to move that after paragraph (*c*) of clause 6 of the Bill, the following new paragraph be inserted, namely:—

"(*d*) any advertisement, label or set of instructions which is permitted under the Drugs Act, 1940 or any rules made thereunder."

This is to avoid any special powers in the Bengal Act as against that of the powers that would be taken under the Drugs Act, 1940, or the Rules made thereunder. Government owes an explanation, I believe.

**Mr. PRESIDENT:** Amendment moved that after paragraph (*c*) of clause 6 of the Bill, the following new paragraph be inserted, namely:—

"(*d*) any advertisement, label or set of instructions which is permitted under the Drugs Act, 1940 or any rules made thereunder."

**The Hon'ble Mr. MOHAMMED ALI:** I am afraid I have to oppose this amendment also. The Drugs Act does not prohibit advertisement of drugs purporting or claiming to cure or mitigate any disease as may be prescribed vide 18(*a*)(*iv*) though it prohibits manufacture, sale, stocking or exhibition for sale of any such drug. Advertisements are therefore permissible under the Drugs Act for remedies for diseases contemplated in the Bill even though they may be specified by rule under the Drugs Act. But it is the object of the Bill to prohibit such advertisements. The amendment proposed is therefore likely to defeat the purpose of the Bill. The present Bill does not conflict with the provisions in the Drugs Act. For these reasons I oppose the amendment.

**Mr. PRESIDENT:** Order, Order. The question before the House is that after papagraph (*c*) of clause 6 of the Bill, the following new paragraph be *inserted*, namely:—

"(*d*) any advertisement, label or set of instructions which is permitted under the Drugs Act, 1940, or any rules made thereunder."

The question was put and lost.

**Mr. PRESIDENT:** The question before the House is that clause 6 as amended stand part of the Bill.

The question was put and agreed to.

*Clause 7.*

**Mr. PRESIDENT:** Clause 7 stand part of the Bill.

The question before the House is that clause 7 stand part of the Bill.

The question was put and agreed to.

*Clause 8.*

**Mr. PRESIDENT:** Clause 8 stand part of the Bill.

The question before the House is that clause 8 stand part of the Bill.

The question was put and agreed to.

*Clause 9.*

**Mr. PRESIDENT:** Clause 9 stand part of the Bill.

The question before the House is that clause 9 stand part of the Bill.

The question was put and agreed to.

*Clause 10.*

**Mr. PRESIDENT:** Clause 10 stand part of the Bill.

The question before the House is that clause 10 stand part of the Bill.

The question was put and agreed to.

*Title and Preamble.*

**Mr. PRESIDENT:** The question before the House is that the Title and Preamble stand part of the Bill.

The question was put and agreed to.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, I beg to move that the Bengal Undesirable Advertisements (Control) Bill, 1947, as settled in the Council, be passed.

**Mr. PRESIDENT:** Motion moved that the Bengal Undesirable Advertisements (Control) Bill, 1947, as settled in the Council, be passed. The question before the House is that the Bengal Undesirable Advertisements (Control) Bill, 1947, as settled in the Council, be passed.

The motion was put and agreed to.

## The Bengal Public Demands Recovery (Amendment) Bill, 1947.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I beg to move that the Bengal Public Demands Recovery (Amendment) Bill, 1947, be taken into consideration.

Sir, this is a very simple measure the object of which is administrative convenience. Section 5 of the Bengal Public Demands Recovery Act provides that when any public demand payable to any person other than the Collector is due, such person may send to the Certificate Officer with a written requisition in the prescribed form and manner in which the requisition by a liquidator has to be countersigned by the Registrar of Co-operative Societies; but under the Bengal Co-operative Societies Act, 1940, a liquidator has been empowered to file requisitions for certificates direct to the Certificate Officer. It is, therefore, necessary, to make a consequential amendment in section 5 of the Bengal Public Demands Recovery Act.

Article 9 of Schedule I of the Act provides that any money payable to any officer of the Crown in respect of which the person liable to pay the same has agreed by written instrument duly registered may be recovered as a public demand. But in times of emergency requiring issue of loans on a large scale the procedure of registering bonds is not feasible as it means considerable delay in the distribution of the loan. Accordingly to facilitate the issue and

realisation of loans advanced by Government it is necessary to amend Schedule I of the Public Demands Recovery Act, so as to include all loans given by Government in respect of which the person liable to pay the same has agreed by a written document whether registered or unregistered that the loan shall be recovered as a public demand.

With these words I move my motion.

**Mr. PRESIDENT:** Motion moved that the Bengal Public Demands Recovery (Amendment) Bill, 1947, be taken into consideration.

The question was put and agreed to.

*Clause 1.*

**Mr. PRESIDENT:** Clause 1 stand part of the Bill.

The question before the House is that clause 1 stand part of the Bill.

The question was put and agreed to.

*Clause 2*

**Mr. PRESIDENT:** Clause 2 stand part of the Bill.

The question before the House is that clause 2 stand part of the Bill.

The question was put and agreed to.

*Clause 3*

**Mr. PRESIDENT:** Clause 3 stand part of the Bill.

The question before the House is that clause 3 stand part of the Bill.

The question was put and agreed to.

*Clause 4.*

**Mr. PRESIDENT:** Clause 4 stand part of the Bill.

The question before the House is that clause 4 stand part of the Bill.

The question was put and agreed to.

*Title and Preamble.*

**Mr. PRESIDENT:** Title and Preamble stand part of the Bill.

The question before the House is that the Title and the Preamble stand part of the Bill

The question was put and agreed to.

**The Hon'ble Mr. FAZLUR RAHMAN:** I beg to move that the Bengal Public Demands Recovery (Amendment) Bill, 1947, as settled in the Council, be passed.

**Mr. PRESIDENT:** Motion moved that the Bengal Public Demands Recovery (Amendment) Bill, 1947, as settled in the Council be passed.

The question before the House is that the Bengal Public Demands Recovery (Amendment) Bill 1947 as settled in the Council be passed.

The question was put and agreed to.

## The Bengal Acquisition of Waste Land Bill, 1947

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir I beg to move that the Bengal Acquisition of Waste Land Bill, 1947, as reported by the Select Committee, be taken into consideration.

**Mr. PRESIDENT:** Motion moved that the Bengal Acquisition of Waste Land Bill, 1947, as reported by the Select Committee, be taken into consideration.

**Mr. LALIT CHANDRA DAS:** Sir, I rise to oppose the consideration of the Bengal Acquisition of Waste Land Bill, 1947. I oppose it on two grounds—on the ground of fact as well as on the ground of law. I would first try to point out to you how this measure offends against the Government of India Act, 1935. I desire to draw your attention to Section 299 of the Government of India Act in this connection.

**Mr. PRESIDENT:** What is your point?

**Mr. LALIT CHANDRA DAS:** My point is that this law cannot be enacted and it would be illegal to proceed with the consideration of this Bill. This Bill offends against section 299 of the Government of India Act 1935. Sub-section (*2*) of section 299 lays down "Neither the Federal nor a Provincial Legislature shall have power to make any law authorising the compulsory acquisition for public purposes of any land, or any commercial or industrial undertaking, or any interest in, or in any company owing, any commercial or industrial undertaking, unless the law provides for the payment of compensation for the property acquired and either fixes the amount of compensation for the property acquired and either fixes the amount of the compensation or specifies the principles on which, and the manner in which, it is to be determined", and then, Sir, sub-section (*3*) says "No Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or modification of rights therein, including rights or privileges in respect of land revenue, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion, or in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion. Now, Sir, it would be said that it has received the previous sanction of the Governor in his discretion. But I say that this provision offends against sub-section (*2*) of section 299. It would appear from clause 13 of the Bill as it emerged from the Select Committee that for acquisition of a certain kind of land the price would be Rs. 10 per acre, that is Rs. 3-5-3 per *bigha*, which on the face of it is a ridiculous figure. It appears, Sir, that Government want to acquire lakhs and lakhs of acres of land in Bengal in this way at Rs. 3-5-3 per *bigha* which is merely for a song so to say. How the Government looked upon the question of acquisition of land for public purposes has been laid down under the Land Acquisition Act of 1894. There the Government have not left anything in doubt. It is clearly laid down in section 23 of that Act what is meant by the word "compensation". I may read section 23 which runs as follows:—

23(*1*) In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into consideration

First, the market-value of the land at the date of the publication." I desire to draw your pointed attention to this that so far as this Act is concerned, in the Preamble it is stated, "WHEREAS it is expedient to amend the law for the acquisition of land needed for public purposes and for Companies and for determining the amount of compensation to be made on account of such acquisition; It is hereby enacted as follows:" It has been clearly laid down here definitely that the market value of the land should be paid. In opening his speech the Hon'ble Minister said that he wanted to amend this section. I say he is bringing this Bill in violation of this section and he is putting down the price which he wants to give at only Rs. 10 per acre, that is, Rs. 3/5/3 per bigha. I say, Sir, the real intent and purpose of section 299 is not to give arbitrary power to the Hon'ble Minister to play havoc with the other people's property by sheer brute majority of votes behind his back. The Hon'ble Minister wants to take away lakhs and lakhs acres of land for a mere song, say, Rs. 10 per acre. The real intent and purpose of section 299 is to protect the owners of lands, so that the owners can get the value of their lands. I say it is a case of expropriation if this Bill is really allowed to go on. This is my first point.

There is another point and it is this that it is not a repealing Act or an extending Act but it is altogether a new Act. There is already a law existing for the purpose of acquiring land for public purpose. That Act covers everything—whether a land is income yielding or waste land. That Act fixes as to how the compensation should be paid.

So long as it is not a repealing Act, so long as it is not an amending Act amending the provisions of the Land Acquisition Act the present law cannot be considered and this Bill must not be allowed to go on. These are the two points, Sir, which are placed before you for consideration. This Bill is illegal and should not be allowed to be proceeded with.

**Mr. PRESIDENT:** Have you raised any Point of Order?

**Mr. LALIT CHANDRA DAS:** Yes, Sir, you should not allow this Bill to be proceeded with both on grounds of law and on the ground of fact.

**Mr. PRESIDENT:** Mr. Das, so far as I could understand your point you object to the interpretation which the Hon'ble Minister is trying to put on the expression "compensation" which is inconsistent, in your opinion, with the provisions of the Land Acquisition Act. Is that the point?

**Mr. LALIT CHANDRA DAS:** My points are two. The first is this that there is a law already in existence and that is the Land Acquisition Act of 1894. It provides for acquisition of land of all kinds, waste lands and other lands as well for public purposes and in that law the principles have been laid down as to how a land is to be acquired. That law remaining in force, and this law, not being an amending or a repealing Act or even an extending Act, cannot be proceeded with. That is point No. I. Point No. II is this that it offends against section 299(2) of the Government of India Act, therein it is stated, "Neither the Federal nor a Provincial Legislature shall have power to make any law authorising the compulsory acquisition for public purposes of any land, or any commercial or industrial undertaking, or any interest in, or in any company owning, any commercial or industrial undertaking, unless the law provides for the payment of compensation for the property acquired and either fixes the amount of the compensation, or specifies the principles on which, and the manner in which, it is to be determined." It may be stated on the side of the Minister that he has already fixed the amount and also fixed the principles how the compensation is to be calculated under the new Act, I mean this Bill. I say, Sir, that all that was intended to be laid down by section 299 is to give due protection to the owners of land. So compensation is to be interpreted not arbitrarily, not for the purpose of giving powers to a Minister to fix any amount he pleases for the purpose of acquiring lands because he has got a brute majority behind his back. Section 299 is to protect the owners from expropriation. If the present Bill is allowed to be proceeded with and passed, an acre of land can be acquired for Rs. 10 as recommended by the Select Committee, that is to say, the price of a *bigha* of land would be Rs. 3-5-3. This is nothing but a sheer case of expropriation of an owner. The real intention of section 299 of the Government of India Act is to give protection to the owner of lands so that a Minister or any Government cannot for a mere song take away lands from others. But look, here is the case where the Government is trying to acquire lakhs and lakhs of acres of land for a mere song. I therefore say, Sir, that Section 299 stands in the way of this Bill being considered. These are the two grounds.

**Mr. HAMIDUL HUQ CHOWDHURY:** May I know from my learned friend his authority for saying that this Legislature has got no power to pass a law which may directly or indirectly have the effect of amending any existing law. What is the authority? Merely saying that this should not be done will not do. May I know from him what is the authority by which the power of this House is taken away in regard to this Bill. Simply because it may indirectly have the effect of amending some provisions of the existing law namely the Land Acquisition Act it cannot be said that this House has no power to proceed with this Bill.

**Mr. LALIT CHANDRA DAS:** My authority is the authority of the Governor of Bengal. You have heard a little while ago the message from His Excellency the Governor of Bengal sending back the Embankment Act of 1945 in which he has asked that both the Legislatures must say that the Embankment Act of 1945 is repealed. Otherwise the present Embankment law is illegal. As I have said two laws cannot govern the province. There is already the Land Acquisition Act and the Government is now coming forward with a Bill which conflicts with that Act in respect of compensation to a land-owner for the lands that will be taken from him and therefore it cannot be passed into law without that law being repealed or amended or extended.

Sir, my friend has asked me for an answer as to whether this can or cannot be done. Sir, the answer has come to-day, and that answer has been furnished by the Governor by returning a certain Act to this House, saying that you must see that the Act is repealed, otherwise whatever you do by 1946 Embankment Act would be illegal. Therefore, I say that if you are going to put forward a law like this, you cannot do that unless you amend or repeal the existing Act, namely, the Land Acquisition Act, 1894. That Act expressly says that you can acquire land for public purposes and also lays down principles as to how this should be done.

**Mr. HAMIDUL HUQ CHOWDHURY:** Therefore, it comes to this that my friend has no other authority whatever except what the Governor has said or done. Sir, any opinion expressed by the Governor cannot restrict or alter our course of action. Therefore even if what my friend says is correct, the Governor is not an authority to extend or restrict our action. There is one provision which controls the authority of this House and says that if we can amend an Act directly, we can also do so indirectly. If we have the power to repeal an Act, we can amend it in any way, by passing a parallel Act or in any indirect way. Therefore, so far as that objection is concerned, it has no legs to stand upon.

So far as compensation is concerned, the word "proper" has been left to the discretion of two authorities, namely, the legislature itself, of my learned friend sitting with us to decide by an exercise of his discretion whether ten per cent. is adequate compensation or not, and the second authority is vested in the Governor by means of his previous sanction. The present compensation provided in the Bill seems to err on the side of generosity. At least one authority has given its decision, namely, that it is not inadequate, and it will be further finally decided by this House.

**Mr. KAMINI KUMAR DUTTA:** I think the point which has been raised as to whether the House is competent to pass any law as contemplated in this Bill is a very important one and one very important provision laid down under section 299 of the Government of India Act, 1935, says that the law as to the acquisition of land is within the competency of the legislature of the province, for that is in the list of subjects which is within the competency of the legislature of a praticular province. But at the same time the Government of India Act, 1935, was very careful in making a provision in sub-clause (4) of section 299 which would just prevent any law of the kind contemplated in this Bill. No doubt the province is quite competent to pass any law relating to the acquisition of land, but there is some important primary principle obligatory to this provision laid down in the Act. The first principle laid down is that "Neither the Federal nor a Provincial Legislature shall have power to make any law authorising the compulsory acquisition for public purposes of any land, or any land, or any commercial or industrial undertaking, or any interest in, or in any company owing, any commercial or industrial undertaking, unless the law provides for the payment of compensation for the property acquired ...." The first principle laid down is thus that the Government has no authority to acquire

any land without compensation. No doubt that the words "proper compensation" have not been laid down. But I must say, very rightly, there was no limitation put to the amount in sub-clause (2) of section 299 and that the provision laid down is that without compensation no land cannot be acquitted. But the first principle laid down there is that there cannot be any acquisition without compensation. It was careful to provide against any law by which this provision of clause (2) may be bypassed. It does not stop at that—just to give compensation. Now it may be said that one pice may by paid as compensation under the provision of clause (2). But in order that there cannot be any bypassing the sub-clause (4) has been added which says "Nothing in this section shall affect the provisions of any law in force on the date of the passing of this Act." So indeed in case of acquisition of property the Government of India Act was very careful to state that you can acquire the land or property, but regarding compensation to be paid you have not been given any power to evade the provision of the existing law so in order to judge the legitimacy of the law it has to be seen if it has transgressed all or any provision of any law on the date of the passing of this Act. As to what compensation would be paid what would be the standard of compensation and what would be the nature of compensation, there is the existing law of the Land Acquisition Act which should be followed. By the provision of section 299 of the Government of India Act the Legislature has not been given any power to amend or alter or make any provision which would evade the provision of the Land Acquisition Act. So far as the matter of jurisdiction the manner and the amount of compensation to be awarded is concerned they are the main factors of the Act. Whether the whole Act itself is *ultra vires* is open to decision. I think it is a very important matter and when the question of compensation comes in it is very difficult to say whether it would be within the competence of this House or any other House to make any provision, evading or curtailing the provision of the Land Acquisition Act which very clearly lays down what would be the amount of compensation and who would be the competent authority for adjudication and it is very doubtful whether a provision of this sort could be enacted which would in in any way detract from the provisions made in the Land Acquisition Act.

It should be clearly laid down what kind of land should be acquired. As to the compensation, it is a vital matter and indeed it is the underlying principle of section 299 of the Government of India Act that no property should be acquired without compensation and compensation does not mean any insignificant sum. To safeguard any such action clause (4) of section 299 has been provided. Under the cloak of observing this provision that the compensation may not be fixed low, this important sub-clause (4) was added and the power of the Provincial Legislature and of the Federal Legislature was limited. So, I think at least this provision would be *ultra vires* and would be absolutely incompetent as it would apparently affect the provision of the Land Acquisition Act which was in existence at the date of the passing of this Act, Government of India Act, 1935 and this question was based on the elementary rights of the people and that right cannot be encroached upon and cannot be bypassed.

**Mr. HAMIDUL HUQ CHOWDHURY:** As Mr. Kamini Kumar Dutta has raised a new objection and as there is some confusion about it, I may say a few words, Sir.

**Mr. PRESIDENT:** You cannot speak again.

**Mr. HAMIDUL HUQ CHOWDHURY:** Sir, he has raised a new objection and I wish to meet that objection. Now, there are two restrictions placed upon the Legislature in enacting laws of this nature. One is that acquisition of land must be by paying compensation and two when

the Bill is introduced it must be with the consent of the Governor or of the Governor-General. Sub-section (*4*) says "Nothing in this section shall affect the provisions of any law in force at the date of the passing of this Act. It further says if there is any law in which such a provision has been made wherein either the Governor-General or the Governor did not exercise their own discretion when the matter was introduced they will not be invalid. This is a saving clause for the protection of the existing law. According to my learned friend even if Government pays Rs. 1,000 as compensation that will also be invalid and in that case for appropriate compensation we shall have to wait till Doomsday. We can acquire lands without transgressing clauses (*2*) and (*3*) of section 299 of the Government of India Act, 1935. These two clauses have been provided to create a bar against the Legislature passing laws of this nature. But if a prior sanction of the Governor, in the case of a Provincial Legislature and that of the Governor-General in the case of Federal Legislature, is obtained, we can certainly enact such laws—

**Mr. BIJOY SINGH NAHAR:** As it is a very important question, Sir, may I suggest that the opinion of the Advocate-General may be obtained before we proceed with this Bill.

**Mr. HAMIDUL HUQ CHOWDHURY:** We are sufficiently wise enough to decide this point.

**The Hon'ble Mr. FAZLUR RAHMAN:** I do not think the arguments of Mr. Das are convincing and sound. He could not point out the authority when my friend Mr. Hamidul Huq Chowdhury repeatedly challenged what authority he had in support of his objection to take up this Bill. The reason is simple and it is because the Opposition also feels that there is nothing in sub-section (*4*) of section 299 which bars a Legislature from proceeding with a Bill like this. Notwithstanding the fact that Mr. Lalit Chandra Das is a veteran lawyer he could not point out what really was the bar to this Legislature enacting this law. Apart from that, Sir, my friend, Mr. Chowdhury, has shown you the absurdity of the position. Now let us take the Land Acquisition Act. What is that Act and what does it say? In that Act it is provided that you will not only give the market value of the thing but also 15 per cent. over that value and this amount you will have to give if you are to acquire any land under that law from a landowner. Now if in this House if a member says that we are going to give the full market value instead of Rs. 10 as is proposed in the Bill even then the same objection of the Opposition would have prevailed because under the Land Acquisition Act it is laid down that market value plus 15 percent should be given as compensation. Is it not absurd that this Legislature is not even competant to amend that Act? Sub-section (*4*) of section 299 lays down that "Nothing in this section shall affect the provisions of any law in force at the date of the passing to this Act." This Council is competent to amend or alter any law in force at the date of the passing of the Government of India Act including the Land Acquisition Act itself. We can amend this Act in no time and in the near future I shall come forward with an amending Bill to amend the Land Acquisition Act, and I do not think there will be any serious objection saying that this House will not be competent to amend that Act. If that Act can be amended by this House I do not see how the saving clause, I mean sub-section (*4*) of section 299 of the Government of India Act, can deprive this House of its authority to proceed with a Bill like this as it is before this House. Sub-section (*4*) means only this this if there is any law at the time of the commencement of this Act (the Government of India Act) which law has not followed the procedure which has been laid down in Section 299 that will not affect that law. Otherwise, as I have said, can you imagine a situation like this that you will not be able to

amend the Land Acquisition Act even if you are prepared to give th full market value of a property as compensation? If my friend's contentio is upheld, then the position will be most awkward. Therefore I feel tha my motion is quite in order.

**Mr. PRESIDENT:** The point is this: personally I do not think tha the question is so simple, and as honourable members on both the Govern ment benches as well as on the Opposition side are aware, that section 29 is one of the most complicated sections in the Government of India Act 1935 Bill, and it yet remains to be seen what interpretation on this sectio is given by a court of law if ever it is brought before any court. But th House is aware that it is not the practice of the Chair to rule out any Bill as *ultra vires* unless the point is absolutely beyond doubt It ha rather been the practice in this House to interpret the rules and powers o this House in such a way as to widen its jurisdiction. And following tha practice I would say that this House is quite competent to consider th Bill that is before the House. But at the same time I express my seriou doubts as regards the interpretation, of course that interpretation must b left to the court of law where it can be properly tested.

Mr Das, do you propose to continue your speech or have you finished?

**Mr. LALIT CHANDRA DAS:** No, Sir, I do not propose to continue. have nothing further to say on this point

**Mr. PRESIDENT:** Order, order There are some amendments to th motion for consideration Amendment No 1 standing in the name of Mr Lalit Chandra Das is out of order, being an altogether negative and No 3 and the quorum laid down there is also out of order, and the whole House no such motion can be moved at this stage Regarding No 1 that is n order, but that has not been moved

**Mr. CHARU CHANDRA SANYAL:** Sir, this amendment probabl stands in the joint names of Mr. Nagendranath Mahalanobish and myself But as printed, it stands in the name of Mr Mahalanobish only.

**Mr. PRESIDENT:** Just a minute I understand that Mr. Sanyal name has not been put in the list of amendments through oversight. So Mr. Sanyal may move the amendment at this stage

**Mr. CHARU CHANDRA SANYAL:** I move that the Bill be recom mitted. In support I beg to submit first of all that the Bengal Stat Acquisition and Tenancy Bill, 1947, is shortly coming up before th Legislative Assembly for consideration and passing It contains amon other items item No 10, namely, agricultural land and cultivable waste in *khas* possession of rent-receivers, or cultivating raiyats or cultivatin under-raiyats.

Section 8 describes lands used for agricultural or lands in kha possession of rent-receivers, cultivating raiyats and cultivating under raiyats, lands which consist of forest jungle watercourses or marshy tract with or without private rights of fishery therein and sandy chars or othe uncultivable lands. Then section 11 deals with maximum quantity o agricultural lands and cultivable wastes which may be held by a rent receiver or a cultivating raiyat or cultivating under-raiyat and so on an so forth. Then cultivating land forming on a co-operative basis or other wise by the use of power driven mechanical applicances so on and so forth Then comes item 24 (*4*) under item of compensation if the land has bee recorded as waste land under the denomination of *purutan* or *nutan pat*

in the record of rights prepared or revised and finally published under Chapter II so on and so forth and in the Statement of Objects and Reasons it is laid down that all surplus cultivable lands held by proprietors, tenure-holders and raiyats in excess of certain prescribed standard should be acquired with a view to their distribution, etc. So practically the same Bill is coming back in another form and it is no use considering the Bill at present and I think it should wait till the Bengal State Acquisition and Tenancy Bill, 1947, is disposed of, because it will be a mere repetition of the same Act after passing of the State Acquisition and Tenancy Bill of 1947 the present Bengal Waste Land Bill will go into oblivion. I may say that the Bengal State Acquisition and Tenancy Bill is rather a more comprehensive Bill and I think that this Bill should wait for further public opinion and be circulated again after the fate of the Bengal State Acquisition and Tenancy Bill is proved. Then, again, the original Bengal Waste Land Acqusition Bill, before it was sent to the Select Committee, wanted to acquire the waste land practically without reference to the Court but the amendments made by the Select Committee have nearly brought it in line with the existing Land Acquisition Act. The craft is almost the same with very little difference. The Land Acqusition Act of 1894 has not clearly defined the words "public purposes." It has been left to the discretion of the certifying authority and the definition has been left to the commonsense. But in this Act it has been made cut and dried. In the Land Acquisition Act the business of afforestation and acquisition of land for afforestation purposes is provided but in all lands where Government is the owner, that is khas mahal land existing forest act is enough to acquire land for afforestation and when State Acquisition and Tenancy Bill will be passed all land will be Government land and the Acquisition of Waste Land Act will not operate. Then the Forest Act would operate on all lands belonging to Government. So, on this score there is no necessity of this Bill.

Then as regards (*b*) and (*c*), carrying out of irrigation and drainage schemes, provision of sites for the setting up of model villages. It is rather regarded as public purpose even under the present Land Acquisition Act. So, this is also covered by the same Act, without reference to this Bill. Then (*d*) (*iii*), settlement of land in order to enable such person or persons to carry on large-scale farming on a co-operative basis or otherwise....., the present Land Acquisition Act provides for the acquisition of land to the companies or societies to carry out farming of this nature. So, this item is also not necessary. Only two items which have been added which are not under the present Land Acquisition Act is (*d*) (*i*) and (*ii*)—for the acquisition of land for the purpose of re-settling with other persons. But this is also provided under the Bengal State Acquisition and Tenancy Bill. It is a mere repetition. This seems to be the only purpose for which the Bill has been brought before the House and this has been said to be a public purpose. Actually speaking, how this can come under public purposes for the purpose of settling the land with a group of individuals for their personal benefits. This cannot be said to be public purposes—at least commonsense does not say that, provided it is admitted that settlement of any land with other persons for their personal benefits is called a public purpose, then there must be some terms of settlement and the terms of settlement are not defined in this Bill. Whether any salami should be charged for the settlement. If so, how much and what would be the terms of such salami and what would be their right on the land. What sort of arrangements will be made about *khas* mahal lands. Whether it would be heritable and transferable with restrictions as in Jalpaiguri "A" form lease of khas mahal lands. Whether the tillers will get a better terms of living, whether they will have a permanent right. These are not defined in this Bill. These should be clearly stated in the Bill before any opinion can be formed on this Bill. It may be said that acquisition of land through

Land Acquisition Act is cumbersome and so a short-cut process is sought through this Bill. But who makes delay under this Land Acquisition Act? It is rather our experience that a file takes about six months to one year to travel from one table to another in the same room in the Government Department and if the efficiency of the officers concerned is bettered and some speed is allowed in the transmission, I think the process of acquisition may be shortened and quickened and when all this can be done through the present Land Acquisition Act what is the need of hurrying through this Bill when it will go into oblivion after passing the Bengal's State Acquisition and Tenancy Bill. Item Nos. (*d*) (*i*) and (*ii*) as contemplated in the Bill raises a presumption that it is intended to suit some other purpose; the main object is kept behind the screen and the powers vested on the Government are likely to be misused on this issue and if may be used for purposes other than public purposes which people generally understand it to mean. The implications and wordings had been subjected to examination by various courts for many years and the Land Acqusition Act was practically complete and made perfect after the amendment in 1925. And when that tried Act is sufficient for the purpose stated in this Bill what is the necessity for a separate Bill like this? If the purpose referred to in the Bill is really to be carried out the minimum area must be defined. While introducing the Bill the Hon'ble Minister said that no plot below 100 acres should be taken for the purpose of afforestation or for the erection of new model villages. If that is so, why not put it in this Act and if you do so it will avoid a lot of misgivings in the minds of the public. If smaller plots are attached and acquired by Government and settled with undesirable persons it will give rise to vexatious litigation and the litigation will be never ending. Of course increase in litigation will increase the stamp duty and also serve to pay a sort of dearness allowance to the lawyers to the incovenience of the people in general. The Hon'ble Minister being a lawyer himself may have a soft corner for his colleagues but the people in general would suffer on account of litigation. Lastly there is the question why so much of the land remained uncultivated for so many years. Government extracted revenue from such lands but they did nothing for their improvement. So both the Government and the landowners are jointly responsible for keeping the lands fallow. Why then should the landowner alone be punished for keeping the land fallow? Government have some duty to perform. Let Government develop those lands and offer them to their owners to cultivate the lands properly within a reasonable period and if the owners fail to do so, those lands may then be acquired by Government and then any right that the owners may have may be taken away from them and Government may take away their lands even without compensation, in which case nobody would grudge. It is with these points that I again move that the Bill be recommitted.

**Mr. PRESIDENT:** Amendment moved that the Bengal Acquisition of Waste Lend Bill, 1947, be recommitted.

**Mr. BISWANATH ROY:** Sir, I rise to support the amendment moved by my friend. I also had a similar amendment on similar lines. My reasons are that in view of the fact that there have been already tabled a large number of amendments, it is all the more necessary that the different suggestions by the different members should be taken into consideration; it is not possible for the House to consider all those amendments properly; therefore the members of our party should sit together and see what amendments are absolutely necessary and unnecessary ones may be omitted.

**Mr. PRESIDENT:** I suggest that we continue the discussion the day after tomorrow.

It has been suggested to me by the Hon'ble Chief Minister that the House should meet at 1-15 p.m. instead of at 1-45 p.m. because in view of the curfew members of the other House find it difficult to go home before the curfew begins. Tomorrow we will take up the adjournment motion, and the time fixed for that is 1-45 p.m. so that tomorrow we meet at the usual hour. But the suggestion is that from the day after tomorrow we should meet at 1-15 p.m. May I have the views of the leaders of the different groups and parties on this question?

**Mr. KAMINI KUMAR DUTTA:** We have no objection, Sir.

**Mr. PRESIDENT:** But what about tomorrow?

**Mr. KAMINI KUMAR DUTTA:** Tomorrow we meet at 1-45 p.m. as already fixed.

I may assure you that those of our party who are not here now would have no objection.

**Mr. PRESIDENT:** All right, for tomorrow we stick to 1-45 p.m. and from the day after tomorrow we begin at 1-15 p.m.

The House stands adjourned till 1-45 p.m. tomorrow.

## Adjournment.

The Council then adjourned till 1-45 p.m. on Tuesday, the 22nd April, 1947.

**Members absent.**

The following members were absent from the meeting held on the 21st April, 1947:—

(1) Mr. Reajuddin Bhuiyn.
(2) Khan Bahadur Syed Abdur Rashid Chowdhury.
(3) Mr. Abdul Hamid Chowdhury.
(4) Mr. Mangturam Jaipuria.
(5) Alhadj Khan Bahadur Shaikh Mahammad Jan.
(6) Mr. Humayun Z. A. Kabir.
(7) Alhadj Yar Ali Khan.
(8) Mr. Nagendra Nath Mahalanobish.
(9) Mr. T. B. Nimmo.
(10) Khan Bahadur Gyashuddin Pathan.
(11) Khan Bahadur Mulkhlesur Rahman.
(12) Dr. Kumud Sankar Ray.
(13) Mr. Sultamuddin Ahmed.
(14) Mr. L. P. S. Bourne.
(15) Mr. Patiram Roy.

WBGP-47/8-4862A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session, 1947—No. 30.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, 22nd April, 1947, at 1-45 p.m. being the 30th day of the First Session of 1947, pursuant to section 62(2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## Adjournment Motion.

**Khan Sahib Maulvi WAHIDUZZAMAN:** Sir, the cooling plant is out of order and the whole House is very hot. It is very difficult to discuss the business of the House——

**Mr. PRESIDENT:** I think it is an urgent business and it has been specially fixed today. So we shall try to continue if possible. Mr. Lalit Chandra Das.

**Mr. LALIT CHANDRA DAS:** Sir, I beg to move that this Council do adjourn its business to discuss a definite matter of urgent public importance and of recent occurrence——

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, before my friend proceeds further I should like to make a statement which would perhaps make the adjournment motion unnecessary. The case is now *sub judice*. The men against whom charge has been levelled have been arrested and are being sent up for trial. Therefore there can be no question now of the adjournment motion being moved. The matter has been placed before us and the law will take its course. We are not going according to the ordinary established procedure. I want to make it clear that we do not pass any judgment on the merits of the case and I would request the honourable members and the public in general also to reserve their judgment.

**Mr. HARIDAS MAZUMDAR:** On a point of information, Sir. May I know at whose instance these persons have been arrested? Has a *prima facie* case been established or have the Government taken the initiative to arrest them? How can the Hon'ble Minister say "We do not like to go into the merits of the case". Whether the persons have been arrested at the initiative of the party. I want to know the fact.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Now, Sir, I would also deprecate if any person or body draws adverse conclusion either against the two persons who are being sent up for trial or worse still against the police as a whole or any section of the police. If the men are found guilty, they alone will be held liable for their acts, any generalisation against the entire body of the men will be unjustified, improper and mischievous. We have decided to send up the case to Court and let the law take its own course.

**Mr. LALIT CHANDRA DAS:** May I know in which Court the case has been instituted?

**The Hon'ble Mr. H. S. SUHRAWARDY:** In the Court under which the jurisdiction falls. Actually, I do not think that makes any difference whatsoever. The officers of the Crown have considered the matter. They are of opinion that there should be a trial and steps have been taken and even if they had not taken any steps it could not be discussed as an adjournment motion.

**Mr. LALIT CHANDRA DAS:** From the statement of the Chief Minister it seems that the case is not *sub judice*. According to his statement it is quite apparent that the case is not *sub judice*. The Chief Minister says that the steps have been taken and that the officers of the Crown think that there should be a case against the persons. But the mere arresting of persons is not the same as placing the case in a court of law. I enquired of him in which court he has instituted the case but he could not answer.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Why should I?

**Mr. LALIT CHANDRA DAS:** So long as a Court is not in seisin of a case it cannot be called *sub judice*. The Chief Minister thinks that the law officers of the Crown have only given consent to start such a case. I think, Sir, you will hold with us that the case is not really *sub judice*.

**Mr. PRESIDENT:** Has the case been already sent up and has the Court taken cognisance of the matter?

**The Hon'ble Mr. H. S. SUHRAWARDY:** The men is under arrest and I understand they are to be placed before the Magistrate today.

**Mr. LALIT CHANDRA DAS:** So, the case is not *sub judice*.

**Mr. PRESIDENT:** Mr. Das, from what I just heard from the Chief Minister it is clear that the persons have been arrested and the case has already been instituted.

**Mr. LALIT CHANDRA DAS:** No, Sir.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, more than that. I say that the procedure is that even if the Government signifies that the case will be send up for trial it will become *sub judice*. Even in those cases adjournment motion falls through. Because the merits of the case cannot be discussed thereafter. It will be useless. It will be prejudicial and mischievous if the merits of the case are discussed when the Government proposes to send up the case for trial. In this particular case it has already been sent up.

**Mr. PRESIDENT:** Then it is all right.

**Mr. KAMINI KUMAR DUTTA:** Of course the rule as to resolutions is this: It shall not refer to any matter which is under adjudication by a court of law, *vide* rule 89(*c*). But as to adjournment motions, *vide* part VII, rule 99, the restrictions on the right to move the adjournment of the Council are of a different character. In rule 99 there is nothing similar to the provisions as contained in rule 89(*c*). The restrictions on the right to move adjournment motions are of a different character from the restrictions in case of other resolutions. Moreover my first contention would be that this rule 99 in part VII is a self-contained rule.

**Mr. PRESIDENT:** Look at sub-rule (*v*) of rule 99.

**Mr. KAMINI KUMAR DUTTA:** That is by implication but in this particular case, I mean the adjournment motion moved by Mr. Lalit Chandra Das it is not confined to the culpability of that particular individual who is concerned. He may be found guilty; he may be found innocent but the administration may be found guilty irrespective of the fact whether he is found guilty or not.

**Mr. PRESIDENT:** Mr. Dutta, you will realize that an adjournment motion can only be moved on a definite matter of urgent public importance. It must be specific. So here this adjournment motion would not have been admissible at all if it were not definite. And here I would draw your attention to the language, namely, "the serious situation arising out of the

barbarities committed by the Punjabi Armed Police of the Government of Bengal who on the night of 14th April last forcibly entering into the premises No. 100, Harrison Road, in Central Calcutta caused by the butt end of their rifles and other means injuries to the persons of several unoffending men, women and children of that premises and, what is most shocking and revolting, raped on lady inmates of the same."

It is very specific.

**Mr. KAMINI KUMAR DUTTA:** The resolution is very specific but as yet we do not know, Sir, against whom the Government has really moved the Criminal Court, if at all they have done so. Is it against the Punjabi Armed Police or is it against anybody else or is it that they have really lodged a complaint against a fictitious person just to show that they are moving heaven and earth at the same time knowing full well that the case will fail. These tricks are well known to those connected with the law courts. To play the trick you just have a case started against a fictitious man against whom the case will not stand. We wish to know from the Home Member against whom really the Magistrate has been moved and are they the Punjabi Armed Police implicated in this affair. Are they the persons who committed the offence at that house on that particular night? If really the Magistrate has been moved against an imaginary person the case would not stand and the real offenders may go scot free.

**Mr. PRESIDENT:** What do you mean by an imaginary person?

**Mr. KAMINI KUMAR DUTTA:** The Home Member said that some persons have been arrested but it may be that the Punjabi policemen have not been arrested. It may be that some Bengali policemen have been arrested or some fictitious people who may be found innocent.

**The Hon'ble Mr. H. S. SUHRAWARDY:** The motion is directed against certain persons who are alleged to have invaded the premises and who are alleged to have committed certain acts. An enquiry was conducted thereafter and the enquiry was made as soon as the complaint was made and on the basis of that enquiry certain persons have been sent up for trial. The whole case thereafter becomes *sub judice*. Now if you say you have sent up those two persons against whom the lady and some other persons complained and there is some sort of evidence but we say no I am going to carry on the conversation here or the speeches here on the basis of two other persons against whom there is no complaint at all, you are not entitled to do that.

**Mr. KAMINI KUMAR DUTTA:** You say "certain persons" but the motion is against the Punjabi Armed Police. Is the case started against them or against some Hindu officers? This may be your trick, as usual.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Well, I may say that the two Punjabi Moslems of the armed force against whom the complaints have been made have been placed under arrest and are being sent up for trial: I think that would be enough.

**Mr. PRESIDENT:** In the circumstances I do not think the adjournment motion can be moved. The matter is certainly *sub judice* in view of the statement made by the Hon'ble Chief Minister.

**Mr. LALIT CHANDRA DAS:** So long as the case is not in the seisin of a court of law, I do not think that is *sub judice*. It may be that it is the intention of Government to change——

**Mr. PRESIDENT:** I asked the Hon'ble Chief Minister over and over again to make the point clear and he has definitely assured me and also the House that those persons have been arrested and have been sent up for trial. So the case is now before a court of law. Is that so?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, Sir, that is so.

**Mr. PRESIDENT:** So, that puts an end to the matter.

The House stands adjourned till 1-15 p.m. tomorrow or rather why not go on with the Waste Land Bill; it is on the agenda of today?

**The Hon'ble Mr. H. S. SUHRAWARDY:** My idea is that if an adjournment motion fails the House is not automatically adjourned; the business of the House proceeds. Adjournment motion means that the business of the House is adjourned for some time to discuss a particular matter but when it is finished or does not come off or fails, business proceeds.

**Mr. KAMINI KUMAR DUTTA:** Today it was decided to take up this adjournment motion only and some business has been placed on the agenda only to enable the adjournment motion being discussed.

**Mr. HARIDAS MAJUMDAR:** Yes, Sir, that was the arrangement.

**Mr. PRESIDENT:** I think we need not pursue the point. In view of the fact that the cooling apparatus has failed and the adjournment motion has failed too, let us not take up any other business today. As it was an urgent matter of public importance, that is why I suggested that we should proceed with our business in spite of the failure of the cooling plant. The House is therefore adjourned till 1-15 p.m. tomorrow.

## Adjournment.

The Council then adjourned till 1-15 p.m. on Wednesday the 23rd April, 1947.

## Members absent.

The following members were absent from the meeting held on the 22nd April, 1947:—

(1) Mr. L. P. S. Bourne.
(2) Khan Bahadur Syed Abdur Rashid Chowdhury.
(3) Mr. Abdul Hamid Chowdhury.
(4) Mr. Eric Dermot Doyne.
(5) Mr. Mungturam Jaipuria.
(6) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(7) Mr. Humayun Z. A. Kabir.
(8) Alhadj Yar Ali Khan.
(9) Mr. Nagendra Nath Mahalanobish.
(10) Mr. T. B. Nimmo.
(11) Khan Bahadur Mukhlesur Rahman.
(12) Dr. Kumud Sankar Ray.
(13) Mr. Patiram Roy.

# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947—No. 31.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, 23rd April, 1947, at 1-15 p.m., being the day of the First Session of 1947, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble SIR BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

### Failure of the cooling plant.

**Mr. PRESIDENT:** Order, order, I do not find sufficient attendance today so I do not think we should proceed with the business in the circumstances.

**Mr. HAMIDUL HUQ CHOWDHURY:** Sir, why the air-condition is not working an enquiry should be made.

**Mr. PRESIDENT:** What happened yesterday?

**Mr. ABDUL RASHID:** Yesterday it worked during the meeting of the Assembly. The operators attended during the Assembly meeting

**Mr. PRESIDENT:** I request the Secretary to see to it. It is impossible to carry on the business of the House unless the air-condition functions. I understand that it is the business of the Assembly Department. I would request the Secretary to get into touch with the Secretary of the Assembly Department about this matter. I think it is the general opinion of all sections of the House that unless the cooling apparatus is working it is not desirable that the House should meet. I shall find it very difficult to come in and work.

The House stands adjourned till 2-15 on Friday next.

### Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 25th April, 1947.

**Members absent.**

The following members were absent from the meeting held on the 23rd April, 1947:—

(1) Mr. L. P. S. Bourne.
(2) Khan Bahadur Syed Abdur Rashid Chowdhury.
(3) Mr. Abdul Hamid Chowdhury.
(4) Mr. Yusuf Ali Chowdhury.
(5) Mr. D. J. Cohen, O.B.E.
(6) Mr. Hemendra Kumar Das.
(7) Mr. Bankim Chandra Datta.
(8) Mrs. Labanyaprobha Dutt.
(9) Mr. Kamini Kumar Dutta.
(10) Khan Bahadur Shaikh Fazal Ellahi.
(11) Mr. Mungturam Jaipuria.
(12) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(13) Mr. Humayun Z. A. Kabir.
(14) Alhadj Yar Ali Khan.
(15) Mr. Nagendra Nath Mahalonobish
(16) Mr. T. B. Nimmo.
(17) Khan Bahadur Mukhlesur Rahman
(18) Dr. Kumud Sankar Ray.
(19) Mr. Biswanath Roy.
(20) Miss Ethel Robertson, C.S.P.
(21) Mr. Satish Chandra Sen
(22) Mr. Lalit Chandra Das
(23) Mr. Satish Chandra Jana
(24) Rai Bahadur Brojendra Mohan Maitra.
(25) Mr. Haridas Majumdar.
(26) Mr. Bijoy Singh Nahar.
(27) Rai Bahadur Jogendra Nath Roy.
(28) Mr. Amulyadhone Roy.
(29) Mr. Biren Roy.
(30) Mr. Patiram Roy.
(31) Mr. Birendra Kishore Roy Chowdhury.
(32) Mr. Charu Chandra Sanyal.

WBGP-48/9-1081A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session, 1947 —No. 32.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on 25th April, 1947, at 2-15 p.m., being the 32nd day of the First Session of 1947, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTIONS AND ANSWERS

### Supply of sugar and wheat products to Muslims on some religious occasions.

**89. Mr. SULTANUDDIN AHMED (on behalf of Khan Sahib Maulvi Wahiduzzaman):** (*a*) Will the Hon'ble Minister in charge of the Department of Civil Supplies be pleased to state if it is a fact that Mr. Abdul Jabbar Wahedi, one of the Secretaries of the Calcutta Muslim League, was supplied with sugar, *atta* and flour during the *Id-ul-fitr*, *Id-uz-zuha* and *Muharram* festivals last year from the Civil Supplies Department?

(*b*) If so, will he please state why Government supplies were placed at the hand of an officer of a particular political party?

(*c*) Will he please state if there has been any accounting as to how these were distributed?

(*d*) What provision have the Government made for checking the accuracy of any figures supplied by the said Mr. Abdul Jabbar Wahedi?

(*e*) Will he please state what steps he took to prevent the transfer of such commodities to the blackmarket?

**MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. Abdul Cofran):** (*a*) Supplies of sugar and wheat products were made available to Muslims in Calcutta on some religious occasions through either the Central Muslim Food Committee or the Muslim Relief Committee of which Mr. A. J. Wahedi is Secretary.

(*b*) The supplies were entrusted to the committees which were non-political bodies organised for the purpose of giving relief to persons of the Muslim persuasion. The Government were not concerned with Mr. Wahedi in his political capacity.

(*c*) None by Government.

(*d*) and (*e*) As the committee is a responsible body there was no apprehension of any supplies being blackmarketed or disposed of in an improper way: hence no check on distribution was exercised by Government.

### Case against one Durga Charan Paltandar.

**90. Mr. SULTANUDDIN AHMED (on behalf of Khan Sahib Maulvi Wahiduzzaman):** (*a*) Will the Hon'ble Minister in charge of the Department of Civil Supplies be pleased to state if he is aware that a case was instituted against one Durga Charan Paltandar of village Ulukanda, police-station Kotwali, Faridpur, under the Defence of India Rules for refusing to pool his entire stock of rice and paddy to the Ulukanda Self-help Co-operative Store, commonly known as *Dharmagolla*?

(b) Is he aware that the said Durga Charan Paltandar stated in defence that he refused to surrender his stock of rice and paddy as he had no faith in the office-bearers of the said Co-operative Store?

(c) Is he aware that the Secretary of the said Co-operative Store was a clerk under the Faridpur Civil Court and dismissed for dishonesty?

(d) Is he aware that the treasurer of the said Store was also prosecuted on a charge of bribery at the time of distribution of seeds from the District Agricultural Farm?

(e) Is he aware that such attempts at forcible procurement of the stocks of peasants are causing panic and unrest among the villagers?

**The Hon'ble Mr. ABDUL GOFRAN:** (a) and (b) No. No such case was instituted against Durga Charan Paltandar. He agreed to join the Self-help Co-operative community voluntarily. At the time of pooling paddy to the common pool there were a few cases of small-pox in his house and he took time for the pooling. Subsequently he was reported to have sold a portion of his paddy in the black-market. The fact was reported by the Co-operative Department to the Subdivisional Officer. Since the scheme was of a voluntary character and of an experimental nature the Subdivisional Officer did not start any case against Durga Charan Paltandar but asked him to show cause. Durga Charan Paltandar stated that he had no confidence in the Secretary of the community but had joined a neighbouring community. The matter ended at that.

(c) Yes. But the society is being run by an elected body who have chosen him as Secretary. The officers of the Co-operative Department and the Executive Authorities are exercising adequate control to see that the affairs of the society are not mismanaged. No complaint has so far been received from the members against the Secretary.

(d) No.

(e) No such attempts have been made.

**Mr. HARIDAS MAZUMDAR:** Sir, I cannot follow the meaning of the reply "Durga Charan Paltandar stated that he had no confidence in the Secretary of the community." I think it should be committee.

**The Hon'ble Mr. ABDUL GOFRAN:** No, it is all right.

### Approved dealers in foodgrains and kerosene in Faridpur.

**91. Mr. BIREN ROY (on behalf of Mr. Humayun Kabir):** (a) Will the Hon'ble Minister in charge of the Department of Civil Supplies be pleased to state if he is aware that a large number of approved dealers in foodgrains and kerosene in the Sadar subdivision of Faridpur had their dealership cancelled in the month of October, 1944, by the Sadar Subdivisional Officer?

(b) Is he aware that names of these dealers were struck off the list of approved dealers without any cause being assigned for the step?

(c) Is he aware that over thirty such dealers moved the District Magistrate in October, 1944, by filing petitions with proper court-fees requesting him to enquire into the causes of the step taken by the Subdivisional Officer?

(d) Is he aware that there have been petitions by villagers with proper court-fees and registered letters to the District Magistrate protesting against the appointment of the new dealers who have been selected by the said Subdivisional Officer in place of the dealers struck off the list?

(e) Is it a fact that definite allegations were made against these new dealers in these petitions and letters?

(f) Has any action been taken on these petitions from the dealers and from the villagers?

**The Hon'ble Mr. ABDUL COFRAN:** (a) It appears from the office records that only 30 dealers were changed in the month of October, 1944, by the then Subdivisional Officer, Sadar.

(b) There were several cases of substitution for which no reason had been assigned. Besides these, 15 dealers tendered their resignation, while one died.

(c) Nine dealers who were thus replaced filed petitions before the then District Magistrate with court-fee stamps.

(d) No. There is no petition of the villagers in the Collectorate or in the Subdivisional Office.

(e) Not known, as no such petitions are available.

(f) The petitions received from the dealers were filed by the order of the District Magistrate. As those received from the villagers are not traceable, it is not possible to say what action, if any, was taken on them.

**Mr. BIREN ROY:** Arising out of answer in (a), will the Hon'ble Minister be pleased to state what is the total number of dealers in Faridpur? He has stated that only 30 dealers were changed during that one month. I want to know what the total number is?

**The Hon'ble Mr. ABDUL COFRAN:** The answer to this, I believe, is in the answer to Question No. 93, where we have given lists of dealers.

**Mr. BIREN ROY:** I want to know the total number in Faridpur district.

**Mr. PRESIDENT:** The Hon'ble Minister just now said that the answer can be found in the answer to Question No. 93, where a full list of dealers, including that for Faridpur, has been given.

**Mr. BIREN ROY:** It cannot be correct, Sir, because in that list there are only 7 dealers named for Faridpur but 30 dealers were changed in one month at Faridpur. How can it be, Sir?

**The Hon'ble Mr. ABDUL COFRAN:** This is the number at present and if the honourable member wants further information I am afraid I shall have to ask for notice.

**Mr. BIREN ROY:** My question has not yet been answered. I wanted to know the total number of dealers. If the total number is 7, how can 30 dealers be changed?

**Mr. SULTANUDDIN AHMED:** That was in 1944.

**Mr. BIREN ROY:** What was the total number of dealers then?

**The Hon'ble Mr. ABDUL COFRAN:** I have already said that I ask for notice.

### Standard cloth for Faridpur.

92. **Mr. HARIDAS MAZUMDAR (on behalf of Mr. Humayun Kabir):** Will the Hon'ble Minister in charge of the Department of Civil Supplies be pleased to state—

(a) how many bales of standard cloth were sent to Faridpur Sadar by the Provincial Government;

(b) how many of them have already been sold to wholesalers and retailers;

(c) how many are still held in stock by the Faridpur Central Co-operative Bank, the handling agents of Government for standard cloths;

(d) whether any audit of the accounts have been made; and

(e) whether Government propose to order an enquiry into past transactions and existing stocks in view of persistent rumour that there is a big shortage due to mishandling?

**The Hon'ble Mr. ABDUL GOFRAN:** (*a*) 3,010 bales up till 30th June, 1946.

(*b*) 2,942 bales have been sold to retailers up to 30th June, 1946. There is no wholesaler in the subdivision for standard cloth.

(*c*) On 30th June, 1946, the balance stock was 23 bales with the Central Co-operative Bank and 45 with another handling agent.

(*d*) Yes. Accounts of the Central Co-operative Bank were audited by a Calcutta firm appointed by the Registrar of Co-operative Societies in 1945.

(*e*) Past transactions have already been audited. No shortage has yet been found. An Inspector of the Department, however, is engaged at present in checking up the accounts of the standard cloth right from the beginning as the standard cloth business is going to be wound up soon.

**Storage and carrying agents of foodstuffs.**

**93. Mr. SULTANUDDIN AHMED (on behalf of Mr. Hamidul Huq Chowdhury):** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) the names of all the individuals or firms with whom Government have entered into contracts for storage and for carrying of foodstuffs under the Civil Supplies Department; and

(*b*) how many of them are Muslims and how many non-Bengali Hindus?

**The Hon'ble Mr. ABDUL GOFRAN:** (*a*) A statement is laid on the Table.

(*b*)—

| | | |
|---|---|---|
| Muslims | ... | 99 |
| Non-Bengali Hindus | ... | 76 |
| Hindu-Muslim joint concerns | ... | 9 |
| Non-Bengali Hindu and Bengali Hindu joint concerns | ... | 10 |
| Muslims amalgamated with Bengali Hindu and non-Bengali Hindu | ... | 1 |

*Statement referred to in reply to question No. 93.*

NAMES OF AGENTS.

*Calcutta.*

(1) Messrs. M. Hussain.
(2) Messrs. Gopalgunj Boat Owners' Association.
(3) Messrs. W. L. T. Corporation.

*Darjeeling.*

(1) Messrs. S. K. Das Gaganath.
(2) Messrs. Biseswar Nandalal.
(3) Messrs. Khetsidas Jaichandlal.
(4) Mr. Bimal Ghose (Labour Contractor).

*24-Parganas.*

(1) Mirza Ali Akbar.
(2) Messrs. Rai Sahib Panchanan Sadhukhan.
(3) H. C. Sadhukhan.
(4) Subdul Ahmad.
(5) Sk. Osman Ali.
(6) Messrs. F. C. Halder and Sons.
(7) Messrs. H. P. Kouch and Co.
(8) Khan Sahib A. M. Ahmed.
(9) Messrs. Dalal and Kazi (Hindu-Muslim Joint Co.).

*Mymensingh.*

(1) Messrs. A. S. Joseb Brothers.
(2) Messrs. B. B. Pal.
(3) Messrs. Sukdeo Kusal Chand.
(4) Messrs. R. C. Agarwala.
(5) G. K. M. C. Saha.
(6) Messrs. National Miscellany.
(7) Messrs. Chandan Mal Mulchand.
(8) Messrs. K. K. Diksit.
(9) Messrs. D. C. Sen.
(10) Messrs. K. C. Acharjee.
(11) Messrs. G. C. K. C. Roy.
(12) Messrs. Gopilal Chandmal.
(13) Messrs. Sheogolam Bhakat.
(14) Messrs. R. M. Das and Sons.
(15) Messrs. Puran Bhakat.
(16) Messrs. Ajit Kumar Saha.
(17) Messrs. Hiralal Mangilal.
(18) Messrs. Sailen Bose and Co.
(19) Messrs. B. K. Bose and Co.
(20) Messrs. Prithiraj Lasmipath.
(21) Messrs. J. Ahmed and Co.
(22) Messrs. Sabedali Bhuiya.
(23) Messrs. B. D. Bagla.
(24) Messrs. K. C. Dutta.
(25) Messrs. Azahar Ali.
(26) Messrs. Ramdas Samseo Prasad.
(27) Messrs. Baikuntha Chandra Tarini Mohan Mondal.
(28) Messrs. Ramjatan Lal.
(29) Messrs. Sk. Lebu.
(30) Messrs. Bhagaban Chandra Roy.
(31) Messrs. B. L. Sinha Roy.
(32) Messrs. Keramat Ali Talukdar.
(33) Messrs. J. L. Acharjee.
(34) Messrs. Mymensingh Transport Co.

(35) Messrs. S. S. Hussain.
(36) Messrs. Mymensingh River Service.
(37) Messrs. Habibur Rahman.
(38) Messrs. S. N. Bhattacharjee.
(39) Messrs. A. B. Das.
(40) Messrs. Associate Transport Co.
(41) Messrs. Syed Safiuddin Ahmed.
(42) B. N. Sen and Sons.
(43) Afran Khan and Co., Ltd.
(44) Messrs. Eastern Agency.
(45) Messrs. S. R. Gupta Banik.
(46) Kishoreganj Subdivisional Wholesalers Co-operative Multipurpose Society.
(47) Messrs. Kishoreganj Wholesale Merchants' Syndicate.

*Bogra.*

(1) Padmapara Central Co-operative Bank, Ltd.

*Midnapore.*

(1) Ramlal Gokul Chand.
(2) Messrs. A. C. Pal.
(3) Narayan Ch. Ghose.
(4) Bistu Pada Rana.
(5) Hashem Ali Beg.
(6) Pannalal Bhyan.
(7) Monohar Lall Golab Rai.
(8) Bijoy Kisto Rana.

*Jessore.*

(1) Messrs. Suniti K. Roy.
(2) Zakaria Hazi Soleman.
(3) Messrs. Kedar Nath Roy and others.
(4) Kalipada Bag.
(5) Messrs. Abdul Aziz.
(6) Motilal Ghosilal.
(7) Messrs. Abdul Kasem.
(8) Messrs. Mozaffor Hossain.
(9) Dulal Chandra Sinha.
(10) Messrs. Amulya Ratan Saha.
(11) Messrs. Bhidarmal Khaitan.
(12) Messrs. Sarafat Hossain Dafadar. (No agreement entered as yet.)
(13) Messrs. Keshab Ch. Paul. (No agreement entered as yet.)
(14) Messrs. K. N. Dutta. (No agreement entered as yet.)
(15) Messrs. Tarini K. Dutta (No agreement entered as yet.)
(16) Messrs. Badaruddin Ahmed. (No agreement entered as yet.)
(17) Sailkupa Multipurpose Society.
(18) Messrs. Naresh Ch. Kundoo. (Agreement is under preparation.)

*Murshidabad.*

(1) Hari Sk. Abdul Quadir.
(2) Maulvi Gola Rahaman.
(3) B. C. Chatterjee.
(4) M. N. Bhagwangola.
(5) J. N. Saha.
(6) Babu Shyamapada Saha.
(7) Muralidhar Gupta.
(8) Messrs. Chunnilal Bhanwarlal.
(9) Rai Sahib M. L. Jain.
(10) R. N. Singh.
(11) M. A. Khaleque.
(12) Sk. Omar Ali.
(13) Reazuddin Sarkar.
(14) K. M. Parakh.
(15) M. L. Jain.
(16) Suwalal Kanailal.
(17) Goal Badan Trivedi.
(18) T. N. Sen.
(19) P. N. Mukherjee.
(20) Jahurilal Kanhailal.
(21) Messrs. Jaharmal Dhanraj.

*Faridpur.*

(1) Messrs. Mohammad and Ibrahim Siddik Jamal.
(2) Makhanlal Govinda Ram.
(3) Central Co-operative Bank.
(4) Khan Bahadur Yusuff Hossain Chowdhury.
(5) K. M. Kundoo and R. Biswas.
(6) Mainuddin Chowdhury and Bhuban Mohan Saha.
(7) A. R. Chowdhury.

*Rajshahi.*

(1) Messrs. Agarwalla Seraogi & Co.
(2) Messrs. Babulal Agarwalla.

*Dinajpur.*

Nil.

*Dacca.*

(1) Messrs. Bankim Chandra Das.
(2) Messrs. Haldai Transport.
(3) Messrs. A. W. Makertich.
(4) Messrs. North Bengal Transport.
(5) Messrs. Swalal Sarogi and Lakshmikanta Chatterjee.
(6) Messrs. H. C. Sarkar and Gobradhan Lal Sarogi.
(7) Messrs. Bengal Engineering and Transport Corporation.
(8) Messrs. T. Hossain Kassim & Co.
(9) Messrs. Friends United & Co.

*Hooghly.*

(1) Messrs. S. M. Nabi Chowdhury & Bros.
(2) Messrs. Allied Trading & Co.
(3) Late Hazi Mirza Zahadur Rahim.
(4) Bhola Nath Paul and Partner Roushan Ali.
(5) Akinchan Goswami.
(6) Ajit Ganguly.
(7) Abani Bhusan Sarkar.
(8) Kishori Mohan Kar.
(9) Rezak Ali Khan.

*Burdwan.*

(1) Jiban Mall Dhanraj.
(2) P. P. Garai.
(3) Ram Nath Goenka.
(4) Kulooram Onkarmall.
(5) S. K. Bhuiya.
(6) Uppletwala H. E. K.

*Howrah.*

(1) Messrs. M. M. Ishpahani.
(2) A. R. Pramanick.

*Chittagong.*

Nil.

*Malda.*

Nil.

*Bankura.*

Nil.

*Bakarganj.*

(1) Messrs. Arjuneswar Saha.
(2) Bamergunj and Sundarbans Central Co-operative Sale and Supply Society, Ltd.

*Nadia.*

(1) P. K. Bhattacherjee.
(2) Messrs. Chakravarty & Bros.
(3) Maulvi Khorsed Ahmed.
(4) Messrs. Kuver Bank.
(5) Messrs. B. K. Mukherjee & Sons.
(6) Babu Sibchandra Roy Singh.
(7) Babu Bhola Nath Garoi.
(8) Messrs. Banawari Lal De & Bros.
(9) Babu Sanjit Kumar Pramanick.
(10) Babu S. C. Mukherjee.
(11) Bajli Karim Joardar.
(12) Fakir Mohammed Mondal.
(13) J. K. Banka.

(14) J. D. Kundoo.
(15) B. N. Matadin.
(16) Nagendra Nath Saha.
(17) Sagar Mall Matadin.
(18) Sanjib Kumar Biswas.
(19) P. K. Ray.
(20) H. C. Sarkar and Sons.
(21) R. C. Sanyal.
(22) Baijnath Srigopal.
(23) Hardwari Lal Agarwala.
(24) Maulvi Mozammel Haque.
(25) Babu Hemanta Kumar Roy.
(26) Sayedali Biswas.
(27) Maulvi Fate Ali Biswas.
(28) Kustia Merchants' Association.
(29) Marwari Merchants' Association.
(30) Messrs. Abdur Rahman & Co.
(31) Maulvi Rejiwan Alizehan Chowdhury.
(32) Sagarmall Giridhari Lal.
(33) Messrs. Kumaresh Chandra Mukherjee and Sons
(34) Fakri Mohammed Biswas.
(35) Mosarraf Hossain Chowdhury.
(36) Modan Lal Agarwala.
(37) L. K. Kundoo.

*Noakhali.*

(1) Dr. Md. Sekandar.
(2) Babu Jogendra Kumar Majumder.
(3) Maulvi Md. Ershad Hossain.
(4) Messrs. Radha Ballav Saha and Hari Das Saha.
(5) Messrs. Hazi A. Gani and Kunjalal Saha.
(6) Babu Harendra Nath Ghose.
(7) Messrs. Abdul Selam and Hazi Asraf Ali.
(8) Md. Abdul Kader.
(9) Maulvi Ali Azzam Bhuiya.
(10) Messrs. Jalal Ahmed and Hazi A. Sobbahan.
(11) Messrs. Nazi Ahmed and Sultan Miah.
(12) Maulvi Idris Miah Dafadar.
(13) Messrs. Narendra K. Pandit and K. K. Das.
(14) Maulvi A. Motabb and M. Haque.
(15) Sarat Chandra Saha.
(16) Phanindra Bhusan Bose.
(17) Messrs. Narayan Ch. Saha and G. C. Saha.
(18) Messrs. Krishna Madhab Bhowmik, Ensar Ali Manjhi and Dr. Sultan Ahmed.
(19) Upendra Lal Nandi.
(20) Munshi Abdur Rahaman.

(21) Munshi Abdur Rashid Pandit.
(22) Maulvi A. Baten Sadagar.
(23) Md. Montaz Miah.
(24) Hazi Kalimuddin Sadagar.
(25) Maulvi Aftabuddin Ahmed.
(26) Babu Kshetramohan Saha.

*Jalpaiguri.*

(1) Messrs. O. Singh & Co.
(2) Messrs. Sitaram Hanuman Prasad.
(3) Messrs. Alipur Doar Court Rice and Oil Mills, Ltd.

*Rangpur.*

(1) Babu Anukul Chandra Bhadra.
(2) Maulvi Md. Jesmat Ali Talukdar.
(3) Babu Anil Kumar Ghosh.

*Khulna.*

(1) Messrs. D. Ahmed.
(2) Messrs. Jonabali Sardar.
(3) Messrs. Khulna Trading Syndicate.
(4) Messrs. Gopal Ch. Sadhu.
(5) Messrs. Pramatha Nath Das.
(6) Messrs. Benoy Bhusan Bardhan.
(7) Messrs. Saligram Arya.
(8) Messrs. Ghasilal Tadi.
(9) Messrs. Khulna Jute Co.
(10) Messrs. S. Kazi.
(11) Messrs. K. P. Stores.
(12) Messrs. Dr. Joad Hossain.
(13) Messrs. Md. Ismail Miah.
(14) Messrs. Monoranjan Mirdha.
(15) Messrs. B. K. Paul.
(16) Messrs. K. C. Saha.
(17) Messrs. Aich and Pramanick.
(18) Messrs. M. L. Mitra.
(19) Messrs. R. K. Kabiraj.
(20) Messrs. J. N. Poddar.
(21) Messrs. Shyamlal Saha.
(22) Messrs. M. L. Bhanja.
(23) Messrs. A. K. Bhanja.
(24) Messrs. Abdul Gafur.

*Pabna.*

(1) Civil Supply Syndicate.
(2) Wased Ali Abdul Gofur & Co.
(3) Hazi Rahimuddin.
(4) Hazi Ajhar Ali.

(5) Champalal Baid.
(6) J. B. Saha & Co.
(7) J. N. Chowdhury.
(8) Central Co-operative Bank.
(9) Atindra Lal Pakrashi.
(10) R. D. Chowdhury and K. P. Takardar.

*Comilla.*

(1) Babu Adinath Dutt.
(2) Khan Saheb Jonab Ali Munshi.
(3) Birendra Krishna Roy Chowdhury.
(4) Rabindra Ch. Bhattacherjee.
(5) Maulvi Mafijur Rahman Sirkar.
(6) Messrs. Eastern Salt Syndicate.
(7) R. Goswami.

*Birbhum.*

(1) Babu Dharmadas Dalal.
(2) Omer Behari.
(3) Harekchand Ganeshmall.
(4) Babu Purna Ch. Singha.
(5) Sugar Chand Anchalia.
(6) Messrs. Radhapada Gurupada Chandra
(7) Messrs. Kanai Lal Gouri Sankar.
(8) Narayan Prashad Chandra.
(9) Bijoy Gopal Chandra.
(10) Dhajadhari Dutta.
(11) Rajchandra Sarkar.
(12) Manaranjan Nath.
(13) B. K. Mukherjee.
(14) T. P. Chatterjee.
(15) Messrs. Economic Stores.
(16) Central Co-operative Bank.

*Deputy Directorate of Stores, C. & W. B. [including C. S. D. (Khulna)].*
Calcutta and E.R.A.

(1) Akbar Mirza Ali.
(2) Arratoon & Co.
*(3) Bajoria Trading Co.
*(4) Baldeoram Biharilal.
(5) Barari Bros.
*(6) Bengal Dal Mill.
(7) Dhutoria Bros.
*(8) Bhur (Jr.) S. (Agency under termination.)

*These are Agents under the Old Agreement and their contracts will be cancelled as soon as their stock are cleared from their godowns.

*(9) Khuwalka Bros.
*(10) Bhothra Trading Corporation.
*(11) Calcutta Rice Dealers' Association. (Agency under termination.)
*(12) Chowdhury, S. C.
*(13) Cohen & Co., Ltd. (Agency under termination.)
*(14) Dada, H. K.
(15) Dutt, A. K.
*(16) East Asiatic Co.
*(17) Food Supply Stores. (Agency under termination.)
*(18) Gaggar & Co.
*(19) Gulab Trading Co. (Agency under termination.)
*(20) Gupta Bros.
*(21) Harry, S. D.
*(22) Jain, A. C.
*(23) Kalla & Co.
*(24) Khaitan Trading Corporation. (Agency under termination.)
(25) Khan Panchanan.
(26) Madhkar & Co.
*(27) National Transport Co.
*(28) Pir Mohd., H. H. H.
(29) Pir Mohd., H. S. H.
*(30) Ray, P. C. & Co., Ltd. (Agency under termination.)
*(31) Rubby Transport.
(32) Saha, R. P.
(33) Shrooff, G. D. (Agency under termination.)
(34) South End Storing Co.
*(35) S. S. Laxminarayanjee & Co.
*(36) Star Transport Agency.
*(37) Jalan Trading Corporation. (Agency under termination.)
(38) Oudh Transport Agency.
(39) Bengal Labour and Transport Syndicate.
(40) Universal Labour Syndicate.
(41) V. R. Patel & Co.
(42) R. C. R. Singh.
(43) Chowdhury Bros.
(44) Northern India Transport.
(45) K. M. Ghosh.
(46) Calcutta Transport and Labour Agency.
(47) C. Mukherjee & Co.

C.S.D., Khulna.

(1) Asiatic Construction Co.
(2) Gopalganj Boat Owners' Association.
(3) Country Boat Transport Syndicate.

*These are Agents under the Old Agreement and their contracts will be cancelled as soon as their stock are cleared from their godowns.

*Deputy Directorate of T. and S., N.B.*

(1) Rai Saheb Mohanlal Jain.
(2) Madanlal Jain.
(3) Kulibour & Co.

*Deputy Directorate of T. and S., E.B.*

(1) Rai R. P. Saha Bahadur.
(2) Messrs. A. C. Jain.
(3) Messrs. Gupta Brothers.
(4) Assam Bengal Carrying Company.
(5) Ahmed & Co.
(6) A. B. Das.
(7) A. W. Mackertith.
(8) Bero Water Transport.
(9) D. C. Sen.
(10) H. C. Sirkar & Co.
(11) Mymensingh Transport Co.
(12) Mymensingh River Service.
(13) North Bengal Transport Co.
(14) Padma Transport Co.
(15) Pande Ali Mia.
(16) P. K. Banerjee.
(17) S. S. Hossein.
(18) S. C. Ghosh & Co.
(19) R. Goswami.
(20) United Transport Corporation.
(21) Sualal Saraogi & Co.
(22) Bird & Co., Chandpur.
(23) S. K. Guha.
(24) A. Nobi.

**Mr. SULTANUDDIN AHMED:** Is there any special reason for having 76 non-Bengali Hindus?

**The Hon'ble Mr. ABDUL GOFRAN:** No, there is no special reason.

**Mr. SULTANUDDIN AHMED:** It seems that there is not a single Bengali Hindu.

**The Hon'ble Mr. ABDUL GOFRAN:** Probably Bengali Hindus did not apply.

**Mr. SULTANUDDIN AHMED:** May I know if there are any single non-Bengali Muslims out of 99 Muslims?

**The Hon'ble Mr. ABDUL GOFRAN:** No, the question was—how many of them are Mussalmans and how many non-Bengali Hindus, and in answer to that question that reply was given.

**Mr. SULTANUDDIN AHMED:** Out of these Muslims is there any non-Bengali Muslim?

**The Hon'ble Mr. ABDUL GOFRAN:** I have already given the House the full list and the names of all of them.

**Mr. SULTANUDDIN AHMED:** Names do not signify whether one is a Bengali Muslim or a non-Bengali Muslim in all cases.

**The Hon'ble Mr. ABDUL GOFRAN:** Well, with regard to that I would like to have notice.

### Travelling by "gahana" boats.

**94. Mr. LALIT CHANDRA DAS:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if the Government are aware that considerable portions of Bengal's interior are served by *gahanas* and that travelling by *gahanas* is not only inconvenient but fraught with grave danger to life and property?

(*b*) Do the Government propose to consider the desirability of getting these *gahanas* registered, numbered and licensed and the capacity of each boat mentioned and strictly observed and for this purpose appoint inspectors to supervise and inspect the condition of the boats?

(*c*) Do the Government also propose to consider in this connection the desirability of getting the names of the boatmen or *majhis* registered to afford the passengers due protection against their rude behaviour or against their colluding with thieves and decoits?

(*d*) Do the Government propose to consider these suggestions for acceptance? If so, will the Government carry them out without delay? If not, why not?

**Mr. ABDUL RASHID, Parliamentary Secretary (on behalf of Minister in charge of the Home Department):** (*a*) The answer to the first part is "Yes" and to the second part "No".

(*b*) to (*d*) The suggestion made by the honourable member will be examined.

### Advisory Committee to the Director-General, Consumer Goods.

**95. Mr. SULTANUDDIN AHMED (on behalf of Mr. Md. Taufiq):** (*a*) Will the Hon'ble Minister in charge of the Department of Civil Supplies be pleased to state whether the Government intend to appoint a small Advisory Committee to advise the Director-General of Consumer Goods on matters, pertaining to consumer goods?

(*b*) If not, why not?

**The Hon'ble Mr. ABDUL GOFRAN:** (*a*) No.

(*b*) The necessity has not hitherto been felt.

### Appointments in the Civil Supplies Department.

**96. Khan Bahadur A. M. SHAHOODUL HAQUE (on behalf of Khan Bahadur Syed Abdur Rashid Chowdhury):** Will the Hon'ble Minister in charge of the Department of Civil Supplies be pleased to state—

(*a*) if the Communal Ratio Rules were strictly followed in making the appointments in the various branches of this department; and

(*b*) if not, what step the Government intend to take for adjusting according to the Communal Ratio Rules the appointments in this department?

**The Hon'ble Mr. ABDUL GOFRAN:** (*a*) During the period of the Department's most rapid expansion in 1944-45 recruitment had often to be made at very short notice in competition with a large number of other Government and military offices in the Province. Throughout that period

properly qualified candidates from the Muslim and Scheduled Caste communities were not obtainable in adequate numbers. In consequence recruitment of men of those communities could not be maintained on the standards prescribed by the Communal Ratio Rules.

(*b*) Orders have been issued that 80 per cent. of existing and future vacancies should be filled by candidates from the Muslim and Scheduled Caste communities till parity is attained.

### Appointment in the Public Health Department.

97. **Rai Bahadur JOGENDRA NATH RAY:** Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state—

(*a*) how many posts of Director and Assistant Director of Public Health under the Bengal Public Health Department are—

(*i*) permanent, and
(*ii*) temporary;

(*b*) how many posts of other gazetted officers under Director of Public Health are—

(*i*) permanent, and
(*ii*) temporary;

(*c*) how these posts are held by Muslims, Scheduled Castes and non-Muslims other than Scheduled Castes, giving separate figures for—

(*i*) permanent, and
(*ii*) temporary posts;

(*d*) how many vacancies—(*i*) permanent, (*ii*) temporary—occurred since the introduction of Communal Ratio Rules; and

(*e*) how these vacancies—(*i*) permanent, and (*ii*) temporary—were filled up by Muslims, Scheduled Castes and non-Muslims other than Scheduled Castes?

**MINISTER in charge of the DEPARTMENT of HEALTH and LOCAL SELF-GOVERNMENT (the Hon'ble Mr. Mohammed Ali):** (*a*)(*i*) Six.

(*ii*) Five.

(*b*)(*i*) Sixteen.

(*ii*) One hundred and two.

(*c*)(*i*) Muslims—10, non-Muslims—7, Scheduled Castes—Nil, vacant—5.

(*ii*) Muslims—5, non-Muslims—38, Scheduled Castes—2, vacant—62.

(*d*)(*i*) Nineteen.

(*ii*) One hundred and thirty-four.

(*e*)(*i*) Muslims—7, non-Muslims—7, Scheduled Castes—Nil, vacant—5.

(*ii*) Muslims—16, non-Muslims—53, Scheduled Castes—2, vacant—62 and 1 abolished.

**Mr. BIJOY SINGH NAHAR:** Will the Hon'ble Minister please explain what he means by "non-Muslims"? Are the non-Muslims Hindus or do they belong to any other community?

**The Hon'ble Mr. MOHAMMED ALI:** Non-Muslims mean persons belonging to a community other than the Muslim community.

**Mr. BIJOY SINGH NAHAR:** Who are they? Are they Christians, or Anglo-Indians, or what?

**The Hon'ble Mr. MOHAMMED ALI:** It includes everybody except Muslims.

**Rai Bahadur JOGENDRA NATH RAY:** Will the Hon'ble Minister be pleased to state why this ratio is not maintained? There are only 7 non-Muslims although 62 posts are vacant.

**The Hon'ble Mr. MOHAMMED ALI:** I cannot say why the ratio is not maintained. But if the honourable member scrutinises the list and if an overhaul picture is taken he will find that Muslims are less in number than non-Muslims.

**Rai Bahadur JOGENDRA NATH RAY:** May I know why those 62 posts are vacant?

**The Hon'ble Mr. MOHAMMED ALI:** Because they have not been filled yet.

**Pay, etc., of Sanitary Assistants and Health Assistants.**

**98. Khan Bahadur A. M. SHAHOODUL HAQUE:** (*a*) Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state what are the respective pay, daily allowance, house allowance and travelling allowance of Sanitary Assistants, Government Health Assistants, District Board Health Assistants and Additional Health Assistants in different districts of Bengal?

(*b*) Are they doing almost the same work?

(*c*) If so, why is there any difference in their pay, dearness allowance, house allowance and travelling allowance?

(*d*) Are the Government aware that the Additional Health Assistants are not getting a "living wage"?

(*e*) Do the Government propose to take steps for bettering their lot?

(*f*) Are the Government aware that the dearness allowance of the Additional Health Assistants of the Tippera district is much less than that of other districts and is causing them a great hardship?

**The Hon'ble Mr. MOHAMMED ALI:** (*a*) The following are the emoluments of the Public Health staff mentioned:—

(*i*) Sanitary Assistants—Pay including dearness allowance Rs.80 *plus* Rs.10 as *ad interim* increase in the basic pay. Fixed travelling allowance Rs.20.

(*ii*) Government Health Assistants—Pay Rs.45 *plus* Rs.10 as *ad interim* increase in the basic pay. Dearness allowance as per general Government rate, viz., Rs.22.

(*iii*) District Board Health Assistants—Pay Rs.20. Fixed travelling allowance Rs.5. House allowance Rs.2. Provident Fund contribution and dearness allowance payable under District Board Rules and orders.

(*iv*) Additional Health Assistants—Pay Rs.20. Dearness allowance at the same rates as paid by District Boards to other employees. Fixed travelling allowance Rs.5. House allowance Rs.2.

(*b*) They do similar work. But while the Government Sanitary Assistants and Health Assistants are employed to meet emergencies in areas where epidemics break out or the mortality rate is exceptionally heavy, the District Board staff and the Additional Health Assistants are expected to do the normal public health work.

(*c*) The difference in pay arises out of the fact that the Government Sanitary Assistants and Health Assistants are purely temporary employees with no security of tenure. Their position is, therefore, entirely different from the permanent staff of the District Board. The rates of pay, etc., offered to these temporary employees were the lowest possible to attract men of the required calibre for purely temporary positions.

(*d*) The Additional Health Assistants draw exactly the same remunerations as the District Board Health Assistants.

(*e*) Government cannot increase the remunerations of the Additional Health Assistants unless the District Boards do the same with regard to their Health Assistants. In the absence of a corresponding increase by the latter, Government by increasing the pay of the Additional Health Assistants, would be creating an anomalous position, whereby two sets of employees of equal status and doing the same work would be drawing different scales of pay.

(*f*) Government have no information that the dearness allowance of the Additional Health Assistants of Tippera is less than that of other districts. This is, however, possible as the Additional Health Assistants draw dearness allowance according to rates fixed by District Boards, and these rates vary from district to district.

**Khan Bahadur SHAHOODUL HAQUE:** Arising out of (*d*) where it is stated in the question "are the Government aware that the Additional Health Assistants are not getting a 'living wage' and the answer is 'the Additional Health Assistants draw exactly the same remunerations as the District Board Health Assistants", will the Hon'ble Minister be pleased to state whether the Additional Health Assistants are getting living wage?

**The Hon'ble Mr. MOHAMMED ALI:** That is a matter of opinion. In reply we said that they are getting the same pay as the District Board Health Assistants. The District Board being a self-governing body is presumed to be giving to their employees a living wage.

### Acquisition scheme No. 5M of Calcutta Improvement Trust.

**99. Khan Bahadur CHYASUDDIN PATHAN:** Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state—

(*a*) the total population and the number of families that will be affected by acquisition scheme No. 5M of the Calcutta Improvement Trust;

(*b*) whether there is any rehousing scheme to be worked out and given effect to simultaneously;

(*c*) if answer to part (*b*) be in the affirmative, what per cent. of this population may be benefited by such a rehousing scheme;

(*d*) what Government propose to do for those who may not get accommodation under the rehousing scheme; and

(*e*) whether it is possible to expand the rehousing scheme with a view to accommodate all who may be rendered homeless by the acquisition scheme.

**The Hon'ble Mr. MOHAMMED ALI:** (*a*) A complete census has not been taken but the estimated population in the scheme is 3,500.

(*b*) Yes. Scheme V—Manicktola Rehousing Scheme has been approved by Government and the area is at present under acquisition.

(*c*) 33 per cent.

(*d*) and (*e*) The whole of the persons affected by the scheme will not be dehoused. Most of the owners have applied for exemption from acquisition and it is anticipated that about 2,000 persons will be affected and Government are considering extending or enlarging the rehousing scheme to accommodate more persons who will be affected by the scheme.

**Supply of milk.**

**100. Mr. NUR AHMED:** Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state—

(*a*) what measures have been taken by the Government of Bengal for the establishment of milk-collecting and processing centres or cremeries in milk-producing areas of Bengal;

(*b*) what steps have been taken by the Government of Bengal for adequate supply of milk to the urban areas, for transfer of milk from non-essential areas, for cold storage, railway transport facilities and adequate supply of milk trade;

(*c*) if so, what are they; and

(*d*) if not, why not?

**Mr. ABDUL RASHID, Parliamentary Secretary (on behalf of the Minister in charge of the Department of Agriculture, Forests, and Fisheries):** (*a*) With a view to the formulation of definite schemes for proper utilisation of milk produced in rural areas Government have undertaken a survey of the principal milk-producing areas within easy reach of Calcutta, Dacca and Chittagong. Data about the production of milk in these areas and the difficulties in the way of marketing, etc., are essential to the formulation of any scheme.

(*b*) and (*c*) It is hoped that the schemes referred to under (*a*) will help in solving to some extent the problem of milk-supply in the urban areas concerned. In the meanwhile Government will work a scheme on the economics of milk-processing and manufacture of milk products at the Dairy Station at Haringhata where ultimately 14 lakh pounds of milk and about 13,000 pounds of butter will be produced every year. Government will also assist private parties in securing cold-storage plants and railway transport facilities.

(*d*) Does not arise.

**Shortage of mustard oil.**

**101. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Department of Civil Supplies be pleased to state if it is a fact that there is an awful shortage of mustard oil in Calcutta, Chittagong and some other districts of Bengal leading to extensive suffering to the poor people of the Province?

(*b*) Is it a fact that mustard oil is being sold at Rs.2-8 to Rs.3 per seer in black-markets in Chittagong and other districts of Bengal?

(*c*) If so, what special steps have been taken by the Government of Bengal for adequate supply of mustard oil in Bengal districts?

**The Hon'ble Mr. ABDUL COFRAN:** (*a*) and (*b*) Yes.

(*c*) The Government of Bengal has consistently pressed for (*a*) the allocation of adequate quotas to the Province under the Basic Plan and (*b*) for the actual supply of quotas after these have been allotted. The Government of India was unable either to allot adequate quotas or even to ensure the supply of the amounts ultimately allotted under the quota system. The Government of Bengal, therefore, pressed for some considerable time for the abolition of the Basic Plan and the decontrol of edible oils. This policy of decontrol has just been accepted by the Government of India and it is hoped that as a result more adequate supplies will be available. It is, however, too early yet to assess the result of this new policy.

### High price of rice in Chittagong.

**102. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Department of Civil Supplies be pleased to state if it is a fact that rice is still being sold at 1¼ seer to 1½ seer per rupee in Chittagong mofussil areas?

(*b*) Is it a fact that the majority of the people of Chittagong with limited income are suffering great hardship owing to high price of rice and other necessaries of life?

(*c*) If so, have any measures been taken by the Government of Bengal to bring down the price of rice and other food articles to controlled rates and to reasonable level to give relief to the people of Chittagong with limited income?

(*d*) If so, what are they? If not, why not?

**The Hon'ble Mr. ABDUL COFRAN:** (*a*) It is not a fact that rice is at present sold at 1¼ seer to 1½ seer per rupee. The average price in January, 1947, has been 2⅜ seers per rupee.

(*b*) Compared with pre-war days the present price level is higher, but this is nothing peculiar to Chittagong. Side-by side with the rising of price level the price of labour and agricultural produce have also gone high.

(*c*) and (*d*) Do not arise.

**The Hon'ble Mr. ABDUL COFRAN:** Sir, I may further modify the answers.

(*b*) Cost of rice and other necessaries of life has undoubtedly affected people with limited income. It is however to be remembered that the cost of labour has also risen and has increased the income of labourers.

(*c*) and (*d*) Government as in the past are supplying stocks of rice to Chittagong to be issued to the people there and this will be continued as much as Government stocks permit, necessary to meet the situation and to maintain supplies at a reasonable market value.

### Bihari refugees.

**103. Mr. BIJOY SINGH NAHAR (on behalf of Mr. Nagendra Nath Mahalanobish):** (*a*) Will the Hon'ble Minister in charge of the Department of Co-operation, Credit and Relief be pleased to state how many people from Bihar have come to Bengal after the recent Bihar disturbances?

(*b*) Are the Government giving the Bihar refugees food and shelter free? If so, did they ask for contribution from Bihar Government?

(*c*) What is the total cost incurred by Government in giving relief to these refugees from Bihar?

(*d*) Did the Government try to persuade them to return to their respective villages? If so, with what result? If not, why not?

**MINISTER in charge of the DEPARTMENT of CO-OPERATION, CREDIT and RELIEF (the Hon'ble Mr. A. F. M. Abdur Rahman):** (*a*) 93,342 persons have come to Bengal. Of them 63,644 live in Government Camps and the rest elsewhere.

(*b*) Food and shelter are given free to those refugees who are in camps, and those who are outside get food free. Government propose to recover from the Government of Bihar the cost incurred by this Government.

(*b*) Complete information is not available. Its collection will take time. Government have however sanctioned up to 20th February, 1947, Rs.23,20,000 for cost of maintenance, water-supply, repairs to camps, etc., and in addition, clothing and accessory foodstuff (excluding milk) valued Rs. 2,43,000 approximately have been supplied.

(*d*) Government will consider the desirability of repatriating those who are now willing to go back to their homes.

### Sugar Industry.

**104. Mr. NUR AHMED:** Will the Hon'ble Minister in charge of the Department of Commerce, Labour and Industries be pleased to state—

(*a*) what measures have been taken by the Government of Bengal for the post-war development of sugar industry in Bengal;

(*b*) whether any post-war development scheme for starting new sugar factories has been prepared by the Government of Bengal;

(*c*) if so, how many and where and in what districts they have to be started; and

(*d*) if not, why not?

**Mr. ABDUL RASHID, Parliamentary Secretary (on behalf of Minister in charge of the Department of Commerce, Labour and Industries):** (*a*) As a first step Government have sanctioned a scheme for the cultivation of improved varieties of sugarcane and it is hoped that within five years 75 per cent. of the total sugarcane acreage in the Province will be covered by improved canes. Steps have also been taken for the distribution of fertilisers and treatment of cane diseases in some compact areas.

(*b*) and (*c*) As the development of sugar industry on an all-India basis with due regard to provincial requirements was being planned by the Government of India, this Government did not prepare any separate scheme to that end. The Central Government have since agreed to this Province setting up five new mills of daily crushing capacity of 600 tons and steps are being taken for selection of suitable parties willing to set up new sugar mills in this Province. It is not possible now to state the location of the new mills as this will depend not only on the availability of cane in suitable areas but also on the convenience of the promoters to be selected.

(*d*) Does not arise.

### Training in the Industrial Research Laboratory.

**105. Khan Bahadur A. M. SHAHOODUL HAQUE:** (*a*) Will the Hon'ble Minister in charge of the Department of Commerce, Labour and Industries be pleased to state whether he is aware that the trainees do not get proper and perfect training in the Industrial Research Laboratory at Pagladanga under the Directorate of Industries due to most of the machines being out of order for long?

(*b*) Is he aware that owing to such imperfect training most of the trainees after completing their course of training there do not venture to start independent business?

(*c*) If so, what action do the Government propose to take and when to put things right?

**Mr. ABDUL RASHID, Parliamentary Secretary (on behalf of Minister in charge of the Department of Commerce, Labour and Industries):** (*a*) No.

(*b*) No such case has hitherto come to my notice.

(*c*) Does not arise.

**106. Khan Bahadur A. M. SHAHOODUL HAQUE:** (*a*) Will the Hon'ble Minister in charge of the Department of Commerce, Labour and Industries be pleased to state if he is aware that progress of training in the Industrial Research Laboratory at Pagladanga under the Directorate of Industries was much hampered due to the last communal disturbances in Calcutta?

(*b*) If so, will the Government be pleased to allow the present batch of trainees to get the benefit of another session's practical training with the benefit of their stipends?

(*c*) If not, why not?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** (*a*) and (*b*) Yes.

(*c*) Does not arise.

**Hunger-strike in Krishnagar Jail.**

**107. Mr. BIJOY SINGH NAHAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state if he is aware that Sj. Haridas Dey of Shantipur and other undertrial prisoners in Krishnagar District Jail are on hunger-strike?

(*b*) Is it a fact that the undertrial prisoners were subjected to maltreatment in the said jail?

(*c*) Is it a fact that they were tortured and humiliated?

(*d*) If the answers to parts (*b*) and (*c*) are in the affirmative, what steps do the Government propose to take against the Jail authorities for their illegal highhandedness and misdeeds?

(*e*) What steps the Government has taken to redress the grievances of the said undertrial prisoners?

(*f*) What is the condition of the hunger-striking prisoners at present?

(*g*) For how many days did the said prisoners resort to hunger-strike?

**Mr. ABDUR RASHID, Parliamentary Secretary [on behalf of the Minister in charge of Home (Jails) Department]:** (*a*) No. Four undertrial prisoners of the Krishnagar Jail including Mr. Haridas Dey went on hunger-strike with effect from 1st February, 1947. By 8th February, 1947, all of them gave it up one after another.

(*b*) and (*c*) No.

(*d*) Does not arise.

(*e*) Orders have issued classifying three of them as Division I undertrials. The remaining one was released on bail on 18th February, 1947.

(*f*) The general condition of health of three of these undertrials, who are at present confined in the Krishnagar Jail, is satisfactory.

(*g*) The honourable member is referred to the reply to part (*a*).

**Mr. BIJOY SINGH NAHAR:** Arising out of (*b*) and (*c*), is the Government satisfied that there was no maladministration there, torture or humiliation of the prisoners?

**Mr. ABDUL RASHID:** Yes.

**Mr. BIJOY SINGH NAHAR:** If that is so, what was then the cause of the hunger-strike?

**Mr. ABDUL RASHID:** They might have had some cause but Government have got no report about it.

**Mr. BIJOY SINGH NAHAR:** Still there was the hunger-strike by the undertrial prisoners for over a week without the cause therefor known to Government?

**Mr. ABDUL RASHID:** Not by all. Out of the 4 who hunger-struck, even from the next day some of them gave up the hunger-strike.

**Mr. BIJOY SINGH NAHAR:** The question is that surely they had some grievances for which they undertook the hunger-strike. I ask what the grievances of the undertrial prisoners was?

**Mr. ABDUL RASHID:** Might be on the grounds of classification; might be that they wanted to be placed under Division I.

**Mr. BIJOY SINGH NAHAR:** Classification, they could have got it from the court; but what was their grievance against the Government?

**Mr. ABDUL RASHID:** I think that was their grievance.

**Mr. BIJOY SINGH NAHAR:** Have you any information about maladministration, torture, etc.?

**Mr. ABDUL RASHID:** We have no information about any maladministration, etc.

**Mr. LALIT CHANDRA DAS:** On the issue of maladministration did the Government enquire what for they went on hunger-strike and if not why not?

**Mr. ABDUL RASHID:** There was no maladministration. What exactly their grievances were I do not know.

**Mr. LALIT CHANDRA DAS:** Did not the Government enquire why these prisoners went on hunger-strike?

**Mr. ABDUL RASHID:** Yes, that was regarding their classification and they wanted to be placed under Division I.

**Mr. LALIT CHANDRA DAS:** In which class were they before this?

**Mr. ABDUL RASHID:** In Division II and III.

**Mr. ABDUL RASHID:** Their names are Haridas De and Kanai Pal, Division II undertrials; there were four altogether and all of them have now been released except one.

**Mr. LALIT CHANDRA DAS:** What about the others? Three in Division II and three Division I?

**Mr. ABDUL RASHID:** I cannot say anything about that.

**Mr. HARIDAS MAZUMDAR:** Is it not a fact that these prisoners put forward certain grievances and complaints in writing before they hunger-struck?

**Mr. ABDUL RASHID:** I have no information.

**Mr. BIJOY SINGH NAHAR:** Did you receive any written complaint from them?

(No reply.)

**Mr. PRESIDENT:** Questions over.

### Cultivable waste land.

**108. Mr. LALIT CHANDRA DAS:** (*a*) Will the Hon'ble Minister in charge of the Department of Land and Land Revenue be pleased to state what is the extent of cultivable waste land in Bengal, and what in particular is the extent of cultivable waste lands in the districts of Burdwan and Dinajpur?

(*b*) Is it a fact that the Government intend to acquire these lands with a view to settling them with landless labourers particularly Moslem refugees from Bihar and the Moslems evicted from Assam?

(*c*) What is the policy behind such a move? Will Government give up such an effort and allow things to take their own course?

**Mr. ABDUR RASHID, Parliamentary Secretary (on behalf of the Minister in charge of the Department of Land and Land Revenue):** (*a*) The total area of cultivable waste land in Bengal is 3,994,029 acres of which 188,835 acres are in the district of Burdwan and 280,762 acres in the district of Dinajpur.

(*b*) and (*c*) The honourable member may refer to the statement made in the Council by the Hon'ble Minister on the motion for reference of the Bengal Acquisition of Waste Land Bill to the Select Committee.

**Adjournment motion.**

**Mr. BIJOY SINGH NAHAR:** I have an adjournment motion, Sir.

**Mr. PRESIDENT:** The Chair has received notice of an adjournment motion which runs as follows:—

Mr. Bijoy Singh Nahar to move that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation created by the decision of the Government of Bengal to impose pre-censorship on all news and comments criticising the activities of the police force in this Province, as announced in a Government Press Note issued on the 21st April, 1947.

I have given my consent to it. Does the Government object?

**Mr. HARIDAS MAZUMDAR:** May I know who is in charge of the Home portfolio in the Chief Minister's absence?

**Mr. ABDUL RASHID:** The Hon'ble Minister for Finance.

**Mr. HARIDAS MAZUMDAR:** But he is not here just at present. He has just left, I see, perhaps with your permission.

(Hon'ble Finance Minister now entered the Chamber.)

**Mr. PRESIDENT:** This adjournment motion is with regard to the pre-censorship of publications in the press, and the Chair has given its consent to it: Does Government object to it?

**The Hon'ble Mr. MOHAMMED ALI:** Yes, Sir. My point is that this adjournment motion should have been moved the day before yesterday when the House met. This is not the first day, Sir, that the House is meeting since the publication of the Press note.

**Mr. PRESIDENT:** Yes, but the point is this: The House met on that day no doubt, but it had to be adjourned because very few members were present due to the difficulty of transport.

**The Hon'ble Mr. MOHAMMED ALI:** The House however met and this adjournment motion should have been at least raised on the floor of the House that day: I do not know how it can come up today, Sir.

**Mr. PRESIDENT:** The Chair holds that it has not lapsed because that was a day of unprecedented circumstances under which members had real difficulty in getting transport.

**The Hon'ble Mr. MOHAMMED ALI:** But Government were willing to arrange for transport for the opposition.

**Mr. LALIT CHANDRA DAS:** But you subsequently went back on this.

**Mr. PRESIDENT:** In any case, members were not present in sufficient numbers and the Chair realised the difficulty of the members in attending the meeting on that day. There were only a very few members both on the Government side as well as on the opposition. So the House had to be adjourned. I do not think more than just a quorum was present.

**The Hon'ble Mr. MOHAMMED ALI:** A quorum was present, Sir.

**Mr. PRESIDENT:** Yes, but not more than just a quorum. As there is objection the honourable members who are in favour of the motion being admitted will please rise in their seats.

(After the members rose in their seats.)

The requisite number has stood, so the House give consent to the motion—the motion is admitted. I propose to take up the motion on Monday, when shall we begin? Shall we begin at 1-15 p.m. or 1-30 p.m.? Mr. Morgan.

**Mr. C. MORGAN:** I suggest not earlier than 1-30 p.m.

**Mr. PRESIDENT:** In fact it has been brought to my notice that 1-15 causes inconvenience to some members. Shall we agree to 1-30?

**Mr. C. MORGAN:** Yes.

**Mr. PRESIDENT:** Then the motion will be taken up at 1-30 p.m. on Monday next. Secretary.

## Message from the Assembly.

**SECRETARY (Dr. S. K. D. Gupta):** Sir, the following messages have been received from the Bengal Legislative Assembly:—

1. "The Bengal Legislative Assembly at its meeting held on the 19th April, 1947, agreed to the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947, as passed by the Bengal Legislative Council without any amendments.

N. AMIN,
*Speaker, Bengal Legislative Assembly.*"

2. "The Bengal Legislative Assembly at its meeting held on the 19th April, 1947, agreed to the Bengal Local Self-Government Associations (Recognition) Amendment Bill, 1946, as passed by the Bengal Legislative Council without any amendments.

N. AMIN,
*Speaker, Bengal Legislative Assembly.*"

3. "The Bengal Legislative Assembly at its meeting held on the 19th April, 1947, agreed to the Cattle Trespass (Bengal Amendment) Bill, 1946, as passed by the Bengal Legislative Council without any amendments.

N. AMIN,
*Speaker, Bengal Legislative Assembly.*"

4. "The Bengal Legislative Assembly at its meeting held on the 19th April, 1947, agreed to the Bengal Dentists (Amendment) Bill, 1945 as passed by the Bengal Legislative Council without any amendments.

N. AMIN,
*Speaker, Bengal Legislative Assembly.*"

## Non-official Resolutions.

**Mr. PRESIDENT:** Now we shall take up Resolutions. Mr. Nur Ahmed's Resolution regarding Muslim University was under discussion on the last day and Mr. Charu Chandra Sanyal was in possession of the House.

**Mr. CHARU CHANDRA SANYAL:** Sir, the other day I was speaking on this Resolution moved by Mr. Nur Ahmed about the foundation of a Muslim university in Bengal. I rise to oppose the Resolution moved by Mr. Nur Ahmed. When the tension between the two major communities in Bengal is showing signs of being raked up in spite of the appeal of the leaders of both the communities and when the minorities were feeling that their cause was being neglected a Resolution of this nature should not have been brought before this House. It is true that the major community although greater in numerical strength is comparatively weak in education

and may ask for greater facilities. But what class forms the major portion of the entire community? It is the poor men living in the villages. In spite of the difference of religion these poor people in the villages form one class economically. It is they who are more in need of education. The light of modern education should be extended to them as quickly as possible to make them socially and politically conscious. Instead of diverting the entire attention for the education of the masses the question of education of the children of the moneyed and propertied people is being pushed to the forefront with the object of sidetracking the great task ahead. It may be that the educated and conscious common men refuse to agree to act as a tool in the hands of designing men. I am subject to correction if I say that a fear of this nature is at the back of such a resolution. The other day the Finance Minister sought to shelve the question of a grant to the Calcutta University for scientific research to spare money for the education of the common people. The Education Minister cherishes the idea of inaugurating free primary education in some districts. It is strange that a member of their party is running counter to the wishes of their stalwarts. The Chief Minister and some of his following is crying hoarse for joint responsibilities of both the communities of Bengal on terms honourable to each one of them. The hand of co-operation was grasped with both hands. Is this the beginning of that much-circulated honourable settlement and co-operation by starting a university on communal lines based on religion only. If more universities are required in Bengal start as many as possible but none on communal lines. Let the universities accommodate all with greater facilities for the less advanced.

Mr. Nur Ahmed cited instances where some eminent Europeans pleaded for starting Muslim universities. It is not possible to say exactly what did they mean in the absence of the context. If Mr. Nur Ahmed's quotations are correct, which I think they are, the European gentlemen only followed the then time-honoured policy of divide and rule of the Government of England with respect to India. There has been a change in the outlook and policy and the old utterances of those gentlemen need not be taken seriously at present.

Regarding the Saddler Commission sent to India about a quarter of a century ago, I like to point out that commissions are set up to devise ways and means to meet the situation for the time being. The recommendations lapse with the change of circumstances.

Mr. Nur Ahmed gave figures stating that larger number of Muhammadan students were in the lower classes but the number dropped considerably in the higher classes. This was the state of affairs many years ago. Now the position is much better. (The Hon'ble SAIYED MUAZZAMUDDIN HOSAIN: No.) Mr. Kabir regretted the fall in the number of Muhammadan students in higher classes due to economic causes. I am sorry I am to comment in his absence. But I look upon it from a different angle. Expense on English education has always been looked upon as a sort of investment. This education did not help in the progress of cultivation of land and hence cultivators of all sections did not get any impetus. It gave money to the middle class. As long as this education gave profitable returns through jobs and professions more and more money was invested on it. At the beginning the Hindus somehow or other got the best returns and they jumped headlong into this business casting aside their ancestral callings. Now the Muhammadans are being provided with jobs and they are getting good return for their investment and so is the cry for more university education. And, in fact, more Muhammadan students are now in schools and colleges, and better university results are now seen amongst Muhammadan boys and girls. The tendency towards general education has been great. Technical education is still not very popular because the field of jobs in the general line is still wider than the technical. I do not know if my views are shared by this House. But I think colleges and universities

exclusively for technical training should be started now and without delay as we shall require a large number of technical men in the free India which is in sight.

Mr. Badrudduja in his hurricane speech spoke highly of Islam. Certainly great men of advanced thought called prophets or sages propounded the philosophy usually called religion which has universal application. It is meant for the right thinking men to mobilise and fight against anything evil that surrounds human beings at any moment. Religion gives strength and courage. It fosters honesty in every sphere of life and hence every religious philosophy stands on the pivot of non-violence. As soon as a religion fails to bring the common man to the status of a truly honourable man, as soon as a religion is perverted and misused in the hands of its votaries it is replaced by a more advanced philosophy to meet the changed circumstances. That is why newer philosophy in the name of religion has replaced the old and the worn-out one from time to time. Mr. Badrudduja spoke feelingly about the generosity of Islam. I share his views. But experience in India with the followers of that great religion has been very sad. Religion has brought out peoples into one fold of comradeship and has given power to the powerless. But as soon as power is converted into a political power and a property in the name of kingdom is brought under control this religion is sidetracked and made to play a different role. In the hands of powerful and power-loving persons, in the hands of monied and propertied men the same religion serves as an instrument to divide the people and acts as a dead weight to crush beneath it the flaming soul of a nation. Time has come to revise the old order and break through the hard crust to release the potential energy of the nation. Bullock-carts were necessary when there were no roads worth the name. But with the development of roads newer and more efficient vehicles took their place. Similarly the old bullock-carts in education and religious methods require replacement. Modern colleges and universities should be designed to train up boys and girls to fit in with the advancement of the time. It is futile to suffocate the growing nation under the old and weather-beaten system. Lastly, if today the question of forming a Muslim university is raised on the ideal of the Aligarh University tomorrow there is every possibility of the question of starting a university on the ideals of the Benares University being raised, and every small community living in Bengal might be prompted to demand a separate university for itself. Thus a continuous demand and counter-demand would certainly push back the great task of the education of the masses of this province and automatically divide India into so many warring camps leading to chaos and nothing else. Bengal shall have to import technical men from outside the province and starvation would be the only reward which the boys and girls of Bengal could expect out of this chaos. I hope therefore that this resolution will be rejected by the House.

**The Hon'ble Mr. SYED MUAZZAMUDDIN HOSSAIN:** Mr. President, Sir, the resolution so ably moved by my friend Mr. Nur Ahmed certainly deserves the sympathetic consideration of Government. Government however has not yet taken any decision on the point and it is of the opinion that a very respectable Committee of educationists of India should be set up in order to go into the question thoroughly and give advice as to how and where a Muslim university or universities should be established in Bengal, and whether it would be of real benefit to the Muslims of Bengal. Government has practically decided on setting up such a committee and we are already in correspondence with the Aligarh and Osmania Universities and they will be represented on that committee. I think Government will be able within a month to set up the committee and the committee will be asked to report on the terms of their reference within three months. After that Government will consider the university should establish and where it should be located.

Sir, the opposition has raised the question that a Muslim university in Bengal would be antagonistic to the interests of the people of Bengal in

general. This is a matter in which different people hold different views. There are, however, several universities in other provinces of India itself. If the United Provinces could have 5 universities I do not see why Bengal cannot have universities of that number and if communal universities like the Aligarh University and the Benares University could have been established, why not a communal university in Bengal also? I do not see any reason to the contrary for the establishment of a separate university for different communities; for I am sure that friendship and feelings of amity would not be extinguished by such a university. As a matter of fact if people are properly educated in their own culture and according to the peculiar ideals of their own civilisation and tradition they are more likely to grow up as good citizens and will be able to get on with their neighbours in as friendly spirit or probably in a better spirit; as a matter of fact they should cease to wrangle with each other and more and better progress would be made if they were properly educated in their respective systems of education. In fact, a great Hindu educationist of Bengal was suggesting to me the other day that instead of wrangling amongst ourselves it would be far better to have separate universities or even separate school boards. I think, Sir, that this is not the opinion, of a single Hindu educationist, but there are many Hindu educationists who think that a separate university for the Muslims instead of being a curse will be a blessing to the people of the country. But I need not enter into that question. All I say on behalf of Government is that Government are seriously considering this question. They are going to set up a committee of respectable educationists of all-India fame who will report on the question of the location of the university in Bengal in about 4 or 5 months' time, and then, the Government will take whatever decision is proper. The matter is fully appreciated that it is the demand of Muslims of Bengal and they are very serious about it on account of the various causes which need not be mentioned here. The Resolution will be very sympathetically considered. I may say that the principle of the Resolution is accepted but with regard to the details it will be worked out by the committee and then Government will determine what action they will take.

**Mr. NUR AHMED:** Sir, at the very beginning when I moved this most important Resolution from Muslim educational point of view I thought that all sections of this House would support and not consider it from a communal point of view and would consider it from a cultural point of view and as a real need of the Muslims of Bengal. But I am sorry to find that a communal colour has been given to this most non-communal Resolution by some members of the Opposition. With regard to the question of finance raised by some members, in my Resolution I have made it quite clear that early steps be taken by Government to establish a Muslim university on the line of Aligarh Muslim University and other similar special universities. Those who know the inner working of the Aligarh University know that it is not a Government University and it was found by the subscription of the Muslim Nation of India and the Central Government only contribute an annual grant and also made a capital grant when this university was first built up. My idea is that Bengal Muslim University will not be a Government institution. It will be an institution on the line of the Aligarh University and other such universities, so the apprehension in the mind of some members of this House that out of the 12 crores which would be contributed by the Central Government to Bengal, for education, a substantial portion would be spent on that university, has no foundation. That apprehension was not justified. My idea is that this institution will be an autonomous university and that Government will help it with a capital as well as an annual grant. Now, Sir, the second point raised by another member of the Opposition was that a communal question has been raised by this Resolution. Today, he is not present in the House otherwise I would have asked him to look to his *guru* Maulana Abul Kalam Azad who is

a product of a very orthodox Muslim university, namely, Deoband Madrasah. There are other great Muslims such as Hussain Ahmed Medini, Ahrars who are the products of a separate orthodox Muslim university, namely, Madrasah. I would ask him to read the history of Islam and to see why it spread so rapidly. Large portion of the globe, large portion of the world was converted into Islam within a short space of 70 years' time from the death of its founder and why? Because the culture of Islam is so noble, so magnificent, so tolerant. Within 70 years it spread to a large portion of the world. Unfortunately, India was not ruled in the true spirit of Islam. Arabs did not rule over India. Persons who are the products of the Muslim universities would be most tolerant, most patriotic, most enlightened. They will be the best citizens and best friendly neighbours. They will protect their lives and property at the cost of their life.

I also ask my friends on the opposite what about their Gurukul Hindu University. Is it not established for their own culture and tradition and also Hindu Benares University? There are 3½ crores of Muslims in this province and they require a separate university. I am fortified by the quotations I cited when I first moved the resolution. The Calcutta University Commission as far back as 1917-18 recommended the establishment of a separate Muslim University. I would appeal to my friends opposite not to oppose the resolution but to accept the resolution in the spirit in which it has been moved. I would ask them what they would do if they were in the Government and the Muslims wanted a separate university of their own. For our own cultural freedom, we should have a separate Muslim University. Our demand is very reasonable and just. In Switzerland there are separate universities for the German, French, Italian and other nations. I also quoted the opinion of an European educationist. Mr. Sharpe, who said that to meet the Muslim demand there should be separate universities for them, for example at Dacca and Chittagong. Sir, I again appeal to the members of this House not to consider the question from a communal point of view. Sir, the Muslims today, both rich and poor, both literate and illiterate are at one in demanding a special centre for the development of their culture, for the revival of their tradition and their history where they may grow up to their full stature. Now their growth is cramped and obstructed and impeded by the cramping atmosphere of the modern university. Sir, in this respect I allude to the quotation from Mr. M. N. Roy's famous book "Historic Role of Islam" wherein he has written that though the Muslims and the Hindus have been living in this land for nearly a thousand years the Hindus have miserably failed to realise Muslim culture, appreciate their feelings and sentiments and their historical revolutionary role in Bengal. I also allude to the famous book "India" by Al Beruni the famous international traveller in the 13th century and he has written that very beautiful book on India in which he compares the culture of vedic civilization and Islam and has cited instances to show that teachings of both are the same. Al Beruni has studied Hindu culture thoroughly and I would commend his book for the study of my friends. I ask my learned Hindu friend over there to study Islamic history to know what it says about their culture and sentiments and the seeming hatred now noticeable between Hindus and Muslims will vanish into thin air and we will have mutual regard for each other. Such an atmosphere should prevail and therein lies the solution of Hindu-Muslim problem. I again appeal to the House to support this motion.

**Mr. PRESIDENT:** Order, order, to the Resolution "That this Council is of opinion that the Government of Bengal be strongly urged upon to take very early steps to found a Muslim university in Bengal on the lines of the Aligarh Muslim University and other similar special universities of the world and to enact suitable legislation for that purpose" an amendment has been moved. I shall put the amendment to vote first and if that amendment is defeated then I shall put the original motion to vote.

Now the question before the House is that the following amendment be made to the Resolution of Mr. Nur Ahmed, namely:—

"That for all the words beginning with "found a Muslim university in Bengal" and ending with "for that purpose", the following be substituted, viz.:—

"secure the advancement of Muslim education in Bengal specially with a view to enable the Muslim community to make up their lee-way in scientific and technical education by providing for free tuition, boarding and lodging in medicine, agriculture, the sciences and technologies for all meritorious students who secure more than 60 per cent. marks in the Matriculation Examination of the Calcutta University or the Board of Intermediate Studies, Dacca and the grant of suitable stipends and scholarships to other deserving students selected on the recommendations of a Board composed of two educationists nominated by each of the Universities of Calcutta and Dacca."

The question was put and lost.

**Mr. PRESIDENT:** Now, I shall put the original motion to vote, namely, that this Council is of opinion that the Government of Bengal be strongly urged upon to take very early steps to found a Muslim university in Bengal on the line of Aligarh Muslim University and other similar special universities of the world and to enact suitable legislation for that purpose.

The motion was put and agreed to.

**Mr. NUR AHMED:** I beg to move the resolution that stands in my name with a correction; for since I gave notice of my resolution, the salt duty has been abolished; therefore, with your permission I would like to omit the words "duty on salt" which occurs in it. My resolution would accordingly run thus:—

I beg to move that this Council is of opinion that the Government of Bengal be strongly urged upon to make an immediate representation to the Government of India to allot and pay, year by year, to the Province of Bengal at least three-fourths of the revenues accruing to the Central Exchequer year by year, from Central excise duties and full amount of duty on jute, levied and realised in Bengal by the Government of India by a suitable legislation or otherwise as contemplated in section 140 of the Government of India Act, 1935.

Sir, it is an admitted fact that Bengal's finances are in a most unsatisfactory condition and the province requires additional sources of revenue to make up the deficit. Bengal has long been treated in a step-motherly fashion by the Centre. Bengal has cried for justice but justice has always been denied to her by the Centre and by other provinces. Bengal is a province with the largest population in India with its great industries and the Port of Calcutta, and therefore it requires enormous sums of money to meet the ever-growing needs of development for the benefit of the masses of Bengal. Sir, it is a known fact that jute is practically a monopoly of Bengal, for Bihar and Assam grow but small quantities of jute. So jute duty should have been a provincial subject and should have remained with the Province of Bengal, but it is, a great part of it at any rate, being taken away by the Centre, although jute is a monopoly of Bengal. Bengal has therefore been unjustly treated. At the time of this settlement Bengal wanted the full amount of the duty realised from jute, but as a result of the Meston Award it was only allotted half the proceeds, though later on, the Niemeyer Award increased the percentage of 50 to 62½. When this allocation was being made by Sir Otto Niemeyer the Bengal Government fought very strongly for full payment of the duty to Bengal. But now when Bengal want more money Bengal should have the full amount of the jute duty. The demand made to the Centre to give us the whole duty is a

just demand. Sir, I have given figure and made a statement to show how Bengal has been very unjustly treated in connection with the allocation of revenue. At the time of Meston Award Bengal's whole revenue was calculated to be 25 crores. But Bengal was left with Rs.7 crores, that is only 25 per cent., while Madras out of Rs.20 crores got 40 per cent. and other provinces 60 per cent. But at the time of the Neimyer Award some justice was done and a little increase in the percentage was given. Bengal at the time when Meston Committee met, used to realise about 28 crores as income tax. Now according to some calculation the amount has been raised to 100 crores but Bengal gets only 20 per cent., as compared to Bombay which although contribute smaller sum get a equal percentage. One of the Bengal's other difficulties is there being permanent settlement its revenue is inelastic. It is not expanding, as in the case of Punjab and other provinces. As regards excise duty it is also most inelastic. In Bengal unless the permanent settlement is abolished no income will come. So Bengal is handicapped in every matter. With regard to the nation building subjects Bengal's expenditure is 14 per cent. whereas in Punjab and Madras the expenditure on nation building subjects is about 86 per cent.—86 per cent. against 14 per cent. of Bengal. In spite of fertile land of Bengal and density of population Bengal is handicapped in this respect. So my Resolution is a simple one. I want the Central Government to do justice to Bengal by agreeing to pay the full amount of duty on jute, levied and realised in Bengal by the Government of India by a suitable legislation or otherwise as contemplated in section 140 of the Government of India Act. Sir, the Calcutta port is the greatest port in India. So Bengal can rightly ask for a larger portion of the excise duty from the Centre. I do not think any opposition should be made. But unfortunately I find that recently there is a tendency on the part of the Opposition to oppose any suggestion from this side to ask for grant from the Centre. I appeal to the House to support this Resolution which ask for justice only.

**Mr. PRESIDENT:** Motion moved that this Council is of opinion that the Government of Bengal be strongly urged upon to make an immediate representation to the Government of India to allot and pay, year by year, to the province of Bengal at least three-fourths of the revenues accruing to the Central Exchequer, year by year, from Central excise duties and full amount of duty on jute, levied and realised in Bengal by the Government of India by a suitable legislation or otherwise as contemplated in section 140 of the Government of India Act, 1935.

**Mr. LALIT CHANDRA DAS:** Sir, I would like to oppose this resolution. My grounds are these: I am not at all in favour of increasing the financial strength of a communal Government. This is my view. The way they have dealt with the finances of Bengal for the last 10 years is simply amazing. It will be remembered that in 1937 the income was 12 crores or thereabout and we managed to balance our receipts as well as expenditure. At that time Bengal was indebted to the Centre to the tune of Rs.8 crores. The Government of India actually wrote off the amount and placed the finances of this province in such a way that Bengal could start with a clean slate. Four years went in this way. Government of Bengal used to manage with the income. Then the revenue rose from 16 crores to 22 crores and at that time the expenditure went up by 10 crores that is to about Rs.33 crores. Then next year the income rose to 30 crores the expenditure went up to Rs.40 crores. Then we have come to the present year when we find our income is about 40 crores and our deficit amounts to Rs.25 crores. Last year 13 crores and this year 12 crores. That is the way our finances are being dealt with. Sir, a strong memorandum has been sent to the Government of India by the Bengal Legislative Assembly showing how the present communal Government is playing ducks and drakes with the finances of Bengal, showing how they do not deserve any help whatsoever from the Centre in any way. Whenever they got money in their hands they knew how to squander them away for the support of their own followers, also in

schemes which are really communal and had nothing to do with the general good of the masses. This being the situation I am not at all in support of any scheme which will give more money at the hands of the communal Government unless the whole structure of this Government is changed.

It has been said that representation should be made to the Government of India to get hold of the entire amount of jute duty. Now, Sir, they are getting a certain percentage—a good percentage on that account of jute. They are also getting a substantial amount from income-tax. But they are squandering away the money for which in some instances no vouchers even were kept and for which the Auditor and the Accountant-General had to be critisized. Therefore so long as they do not spend moneys for the betterment of the condition of the general masses of the people and so long as they do not give evidence of having shed communal partiality, I cannot support any such resolution, which will seek to place more money at the disposal of this Government. They are squandering away Bengal's finances right and left.

With these words, Sir, I oppose the resolution.

**Mr. BIJOY SINGH NAHAR:** Sir, I was surprised that Mr. Nur Ahmed moved this resolution. We all know that the party to which Mr. Nur Ahmed belongs will never ask any subvention from the Central Government because their party says that they do not want to be with the Union of the Central Government of India and that they want a separate Bengal absolutely out of the control of the Central Government. Such being the case why should a member of that party want their own Government to go to the Central Government with a beggar's bowl. It is really ridiculous that a member of the Muslim League Party which really believes in the separate existence of Bengal should at the same time desire that the Muslim League Government should approach the Central Government saying that they require this sum and that sum for this and that. I really cannot follow this logic and so I was surprised when Mr. Nur Ahmed moved this resolution. Sir, at least I do not feel I should oppose this resolution inasmuch as every Government, every institution and every province would like to have more money flow into their coffers to improve the condition of the people. Sir, if the Government of Bengal gets more money, really to improve the condition of the masses certainly we should not grudge it, but, as our esteemed friend Mr. Das put it and explained it to the House, we do not want more money to be put into the hands of the present Government here which has failed to do any real service to the country. For the last 10 long years we do not find that the Government has in any way helped the people of Bengal, helped in the improvement of the Province as a whole. When they are getting comparatively more money they have not correspondingly provided more facilities to ameliorate the condition of the people of the province. They have not done anything of the kind. They have really played ducks and drakes with the money placed in their hands; they have squandered away the money of the Provincial Exchequer. Even with the increase in the revenue they have never been able to balance the budget. Always we have found that the Provincial Exchequer is a deficit Exchequer. Always we have found that the Bengal Government is short of money during all these 10 long years when the Government has been in the hands of the party to which the present ministry belongs. Sir, in these circumstances we do not feel that we should even support this measure, that we should ask for more money from the Central Government because we know the money will be squandered away; the money will be spent in any manner they like, to help one communal party against another and in various other manners and probably in an undesirable manner. The money might be spent on departments like the Civil Supplies Department where scandalous affairs are going on, which the Hon'ble Minister knows and even the members of the other side of the House have expressed their views that on the Civil Supplies Department and such other uneconomic departments money is being squandered away and spent in useless channels.

With these words, Sir, I oppose the motion.

**Mr. MD. TAUFIQ:** Sir, I rise to support the resolution moved by Mr. Nur Ahmed. I fail to understand how Mr. Nahar wants to put his case. He says that this Muslim League Party should not have demanded any subvention from the Government of India because it wants independence for Bengal from the Indian Union, but it is due to the treachery of the other party which does not want freedom for Bengal, that this demand has got to be made. If we ask for a subvention from the Centre it is only for the time being; as soon as Bengal becomes independent, we will have our income-tax and customs duties and jute duties and other duties all to ourselves and shall not be required to part with any part of it to the Centre. At present the Central Government takes away half of the revenues of this province and that is why this question of subvention comes in; otherwise, with an independent Bengal there will be no necessity for any subvention from any party. Mr. Lalit Chandra Das has said that this is a communal Government and a communal party. Mr. Das does not perhaps understand that although apparently the Muslim League party is known as belonging to the Muslims only, yet it is a party for the welfare of the general masses of this province and not for the benefit of the Mussalmans only, whereas the party in the opposition is composed of big landlords and industrialists who have been sucking the blood of all the masses in Bengal for all this time Mussalmans, scheduled castes and other communities. They are not ashamed of their own communalism, they who have robbed us of all, and now that the League wants independence of Bengal from the Centre and which has done so much for the people, they call that party a communal party.

With these words I again support the resolution.

**The Hon'ble Mr. MOHAMMED ALI:** Mr. Chairman, any proposal that aims at augmenting the financial resources of the province must be welcome to the Government and I accordingly welcome the resolution which has been moved by Mr. Nur Ahmed. So far as the question of duty on jute is concerned we do indeed get a certain percentage out of it. The Hon'ble Chief Minister has already moved the Government of India and pressed our demand for getting the full amount of the duty. In my reply to the budget debate in this House I made it clear that if the money collected by the Centre from Bengal is given to Bengal, in full, there will be no deficit and we shall be quite comfortable, and shall have enough surplus to take up all kinds of progressive development in this province. Our grievance is that the Meston Award and, later the Niemyer Award, have done injustice to Bengal and other provinces are getting money at the cost of Bengal. Sir, Mr. Nur Ahmed has put in a resolution which is all too modest. He has asked only three-fourths of the duty, namely, 75 per cent. of the duty collected by the Centre as excise duty and other articles in this province. I think we are entitled to get the full amount of those receipts and not only a certain quota or percentage. I, therefore, do not understand why Mr. Lalit Chandra Das and Mr. Nahar should oppose this legitimate demand on behalf of the province of Bengal. Mr. Das says that he is not in favour of finding increased financial resources for a communal Government. Sir, Mr. Das is talking with the tongue in his cheek when he is characterising this Government as a communal Government. (Mr. LALIT CHANDRA DAS: Not only a communal Government, but a over-communal Government.) I have already told the House once before that the Bengal Ministry is the most composite and the most broadbased Ministry in India. We have got in this Ministry representatives of the scheduled castes and of the Caste Hindus as well, but in the other Presidencies, namely, Madras and Bombay there is not only one party, but one community Government. So, if any Government can be called communal it is the Governments of Madras and Bombay because the Ministries there are composed only of Hindus. I can understand why Mr. Das should oppose this very legitimate demand. I need not however enter into any controversy about this which may not be strictly relevant but

it is a pity that being a Bengalee he does not want to see her free and does not want her financial resources being increased. It is indeed a great pity. I can understand Mr. Nahar opposing this demand but not Mr. Das (Mr. BIJOY SINGH NAHAR: What is the difference between a Nahar and a Das?) I cannot certainly understand Mr. Das opposing to a proposition which will bring money for the benefit of the people of this province.

**Mr. LALIT CHANDRA DAS:** Because this new money will be squandered and frittered away, and it will not go to the benefit of the people of the province——

**The Hon'ble Mr. MOHAMMED ALI:** Well, Sir, I do not want to take up more time of the House. But I may say that if the Resolution is accepted by the House necessary steps will be taken by the Government of Bengal to place the demand before the Government of India.

**Mr. CHAIRMAN (Mr. Kamini Kumar Dutta):** The question before the House is that this Council is of opinion that the Government of Bengal be strongly urged upon to make an immediate representation to the Government of India to allot and pay, year by year, to the province of Bengal at least three-fourths of the revenues accruing to the Central Exchequer, year by year, from Central excise duties and full amount of duty on jute, levied and realised in Bengal by the Government of India by a suitable legislation or otherwise as contemplated in section 140 of the Government of India Act, 1935.

The motion was put and agreed to.

**Khan Bahadur A. M. SHAHOODUL HAQUE:** I beg to move that this Council is of opinion that the existing system of making promotions in various ranks of Calcutta Police on the recommendation of a Selection Board in which Hindus predominate has failed to safeguard the interests of the Muslim officers and urges upon Government to appoint an impartial body, such as Public Service Commission to re-examine with reference to service records the cases of all officers, whether promoted or not, which have been considered by Selection Boards since 1940.

Sir, I consider this to be a modest resolution which I expect the opposition will not oppose. Previously the system of making promotions in the various ranks of the Calcutta Police was by holding examination and as a result of the examination a list used to be drawn up of the officers who passed that test and promotions used to be made *seriatim* in order of merit from that list. But in 1939 a Selection Board was appointed which is predominated by Hindus and since then it has been found that Muslim officers' legitimate rights have been trampled down. In this connection I would refer to paragraphs 2621, dated 15th June 1944, 3117, dated 17th July 1945, 5159, dated 31st October 1946, of the *Police Gazette* from which it will appear that in Calcutta Police from 1941 to 1946 as many as 123 Sub-Inspectors were appointed or promoted but out of this 123 Sub-Inspectors only 20 Muslims got the promotion and the rest were all Hindus. From this state of affairs it is apparent that the legitimate rights and privileges of the Muslim officers serving in the Calcutta Police have been trampled down. In moving this resolution I have made a very modest request to have an impartial body such as the Public Service Commission which will command the confidence of all the different sections in this House to examine all the cases and after examination if they find that the grievances are real to redress them. As I have said in the Selection Board the Hindus predominate my friends opposite will at once say that I have raised a communal issue. When they speak of Muslims it is all national but when we speak of Hindus it is all communal. That is the rub. There are many Muslims working in subordinate capacities in the different branches of the public service and unfortunately their Hindu bosses have seldom been found to be generous enough to recommend for their Muslim subordinates' lift in the various Departments. Here in Calcutta Police, they have to work under

heavy pressure, what a strenuous effort the police have to make in protecting the life and property of their ownselves as well as of the people when they go to bring a situation under control. However much we may speak against the police it is they who endangering their lives try to bring the situation under control. I appeal to my friends opposite that they should not oppose the resolution, because it does not mean anything wrong, only justice and fairness demand that there should be an enquiry into the injustice done to some persons in ignoring their claims to higher promotion.

Sir, with these words, I commend my resolution for the acceptance of the House.

**Mr. CHAIRMAN (Mr. Kamini Kumar Dutta):** Motion moved that this Council is of opinion that the existing system of making promotions in various ranks of Calcutta Police on the recommendation of a Selection Board in which Hindus predominate has failed to safeguard the interests of the Muslim officers and urges upon Government to appoint an impartial body, such as, Public Service Commission to re-examine with reference to service records the cases of all officers, whether promoted or not, which have been considered by Selection Boards since 1940.

**Mr. LALIT CHANDRA DAS:** Sir, I rise to oppose this motion moved by my friend Mr. Shahoodul Haque. It breathes rank communalism and it is mischievous. He has not supplied us with any material as to how this Selection Board in which according to him, Hindus predominate actually failed to discharge their duties. This should have been proved by facts and figures but I am sorry to say that that has not been done. My friend should also remember that Calcutta is a non-Muslim city. It has only 23 per cent. Muslims and so it is a predominantly Hindu city and therefore it is not surprising that the Selection Board should consist of more Hindus. But its present composition may not have even Hindu majority. We fail to understand why its work should be re-examined by the Public Service Commission. It seems to me, Sir, that there has been condemnation beforehand for nothing and by thus condemning the Selection Board it is desired that its action should be scrutinised and examined by the Public Service Commission. No wrong has been shown to have been done by them requiring the Public Service Commission to sit in judgment over them. The Public Service Commission has its own duties and they have been entrusted to make selection of officers of certain grades and to that extent only, if they so please, they may revise their own actions and see how far they are correct but they have no business to poke their nose into the affairs of the Selection Board under notice. Recently, Sir, we know what has been done without the authority of the Selection Board. The Hon'ble Mr. Suhrawardy, Sir, has actually imported into the Calcutta Armed Police about 900 Punjabi Muslims as constables. Did he get the consent of the Selection Board? We have not been yet told by the mover of the resolution whether in the matter of importing these 900 Punjabi Muslims and enlisting them in the armed section of the Calcutta constabulary this Selection Board was at all consulted. From the notice which is appearing daily in the newspapers I find notice in the "Amrita Bazar Patrika" even today—it appears that a further draft of Punjabi Muslims will be taken into the armed section of the Calcutta constabulary. Who is doing all these? The question was put to the Hon'ble Mr. Suhrawardy in the Assembly to explain why so many outsiders have been and are being brought in and the reply given by him was to the effect that it was necessary to bring about a balance in the ranks of the police force to balance the non-Muslims there. Because there were about 1,200 Hindu constables armed as well as unarmed in the Calcutta constabulary they must be balanced by importing as many as 900 Punjabi Muslims and appointing them in the armed force. How outrageous! This they have already done and they intend to import more. They have totally ignored the simple fact that Calcutta is really a non-Muslim city where 79 per cent. of the population are Hindus. In these selections, I ask the mover—where is the Selection Board?

I submit, Sir, no case has been made out why the Selection Board should be damned beforehand. No facts and figures have been placed before us to show how they have failed in their duty. We infer that there is this attack by a communalist, that they are discharging their duties quite well and there is absolutely no reason why their action should be scrutinised by a foreign body such as the Public Service Commission.

With these words, Sir, I oppose this motion.

**Mr. BIJOY SINGH NAHAR:** I move that the question be now put.

**Mr. NUR AHMED:** Sir, I have no mind to deliver a long speech on this resolution. This resolution, in my opinion, is a resolution which seeks justice for those Muslim officers in the Calcutta Police who feel that their just claims have been disregarded. Sir, in this resolution the request is that the cases of those Muslim officers should be re-examined by the Public Service Commission, which is an impartial body. Unfortunately the words, "Hindus predominate" occur in the resolution. Of course I do not like to wound the feelings of my Hindu colleagues in any way. That is why I used the expression "non-Muslims" in place of "Hindus" in my resolution. Sir, I find that although we have all been living under the same sky, breathing the same air, conducting ourselves as good neighbours for more than a thousand years, now evil time has come upon us and there cannot be any denying the fact that today there is an atmosphere of distrust and hatred amongst these two great communities who so long were inhabiting this great land of India in peace and harmony. Sir, it is most unfortunate that Indians who have ever thought of the glorious past of India and of the glorious future of India should not think in terms of the independence of India: this is indeed a sorry state of affairs. Sir, my friend says it is a communal matter: Sir, whenever a community asks for justice, it is called communal, and not only communal, but also super-communal, excessive communal and something more. Except for the use of the words "Hindus predominate" which may be taken as a reflection on the great Hindu community there is nothing in this resolution to show that it is a communal resolution. The resolution merely seeks justice for a section of officers who are Muslims. What is wrong here I do not know. My friend has also said that this city of Calcutta is not a Muslim city. I admit that the Hindus predominate in the city of Calcutta but there are Muslims here also and according to their own theory of the Hindus and Muslims forming one nation, where is the harm if one section of that nation seeks justice and asks for review of their case by a special impartial tribunal? Is there any communalism in it? According to my friend's theory Muslims and Hindus form one nation; so why should one grudge justice being done to the Mussalmans? Sir, time was when in Bengal both the communities were working peacefully together in spite of differences between these two great communities, but today anything which is done by the Muslim-predominant Ministry is looked upon with suspicion and is given a bad name, and anything done or moved on this side of the House is called communal without looking into the merits and demerits, the *pros* and *cons* of the matter involed in it. Sir, I very much regret to say that it is this sort of mentality that is responsible for the springing up of the question of partition of India and Bengal. Had our friends actually done justice to the minority communities as they have declared in meetings and resolutions there would have been no question of Pakistan. Sir, even a great lover of India, both of Hindus and Mussalmans, Casey, had to admit that the great Hindu officers even did not always do justice to the Muslims. That is a great indictment against officers of the Hindu community. I am sorry to say so but that is the opinion expressed by a great foreigner who was administratively and intimately connected with Bengal and who very recently left this province. I ask my friend to consider this resolution from the position of the mover of this motion and think what he would have done under similar circumstances. Sir, the Muslims

have suffered much during these 180 years of British rule; they have not got justice and their just claims have been overlooked and neglected and they have been reduced to the position of hewers of wood and drawers of water from a ruling nation. Now there has been an awakening and they are demanding justice. But some of the members say that it is a communal Resolution. It is very unfortunate that communal colour is given in everything as if they have got a communal phobia, specially my learned friend Mr. Das always see something communal in every subject that is put before the House from this side. It is not a question of communalism. It is a question of justice, we are seeking justice for a certain portion of the Muslim officers of the Calcutta Police. With these words I support the Resolution.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, I suggest that the House be adjourned now as sufficient time is required to reply to the Resolution.

**Mr. PRESIDENT:** All right, the House stands adjourned till 1-30 p.m. on Monday next.

## Adjournment.

The Council then adjourned till 1-30 p.m. on Monday, the 28th April, 1947.

## Members absent.

The following members were absent from the meeting held on the 25th April 1947 :—

(1) Mr. L. P. S. Bourne.
(2) Khan Bahadur Syed Abdur Rashid Chowdhury.
(3) Mr. Abdul Hamid Chowdhury.
(4) Mr. Eric Dermot Doyne.
(5) Khan Bahadur Sheikh Fazal Ellahi.
(6) Mr. Mungturam Jaipuria.
(7) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(8) Mr. Humayun Z. A. Kabir.
(9) Mr. Nagendra Nath Mahalanobish.
(10) The Hon'ble Mr. Tarak Nath Mukerjea.
(11) Mr. T. B. Nimmo.
(12) Dr. Kumud Sankar Ray.
(13) Mr. Biswanath Roy.
(14) Mr. Syed Fazle Rabbi Chowdhury.

WBGP-48/9-1086A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947—No. 33.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 28th April, 1947, at 1-30 p.m., being the thirty-third day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

### Oath of Members.

**Mr. HARIDAS MAZUMDAR:** Sir, before the proceedings of the House commence——

**Mr. PRESIDENT:** Order, order. Members desiring to make and subscribe oath may do so now.

The following member took the oath:—

Mr. Alexander McLaren.

### Transport facilities and curfew permits for Members.

**Mr. LALIT CHANDRA DAS:** On a point of privilege, Sir——

**Mr. HARIDAS MAZUMDAR:** Sir, I have an alarming news to put before the House. Yesterday I had it on the authority of a recognised news service that lawlessness is prevailing in Bhola.

**Mr. PRESIDENT:** Order, order. Mr. Das rose on a point of privilege and a point of privilege gets precedence over everything else. Yes, Mr. Das.

**Mr. LALIT CHANDRA DAS:** Sir, today, Mr. Bijoy Singh Nahar, one of the members of our party who was to move the adjournment motion today, has been prevented from coming to the House. It is the privilege of the member of the Legislature or should be the privilege of the member of the Legislature to be free to attend and go out of the Council or the Assembly. In this particular case by an order promulgated by the Government he has been prevented from coming to this Council and move the adjournment motion standing in his name. Under the circumstances we want that the Government should give protection to the members of the Legislature so that they may freely come to the Legislature and go back. Now, we want that the business be adjourned till he is allowed freely to come here and begin the work.

**Mr. HARIDAS MAZUMDAR:** Sir, my submission in this connection would be that our membership cards may be treated as permits as suggested by the Hon'ble Mr. Mohammed Ali, on the last occasion.

**Mr. PRESIDENT:** Will the Hon'ble Minister please state what he proposes to do with regard to the curfew permits.

**Mr. LALIT CHANDRA DAS:** Sir, I may again state what I have already stated for the information of the Hon'ble Minister as he was not present then.

I was saying, Sir, that it is the privilege of the member of the Legislature to come to the Legislature and go back to his own house without obstruction from any quarter whatsoever. This privilege is not being observed at all. In this particular case one member of our party, Mr. Bijoy Singh Nahar, has been prevented from coming to the Legislature by an order of Government—by the curfew order. I say, Sir, that Government should see to it that so far as the Members are concerned they could come freely to the Council and go back to their respective homes without any obstruction from any quarter so long as the House sits or so long as it pleases the Government to continue the sittings of the House. And, secondly, Sir, I would urge that, as Mr. Nahar could not come to-day to move his adjournment motion on account of the curfew order suddenly imposed in his area the business of the House to-day should be postponed till the day he is enabled to come freely and go back.

**The Hon'ble Mr. MOHAMMED ALI:** I am really sorry for the inconvenience caused to the members of the Legislature. Government have decided to order for the issue of curfew passes to members of the Legislature to enable them to come to the Legislatures and to go back to their homes, but it will necessarily take a day or two to arrange for the printing, etc., of these permits but the decision has been made. I was at Lal Bazar this morning and I had a discussion with the Commissioner of Police and it has been decided to grant curfew passes to members of the Legislature so as to enable them to come to the Legislature for legislative work and to go back to their respective homes.

As regards the business of the House on the Order Paper of to-day we shall have no objection if it is taken up to-morrow. The information was conveyed to me regarding Mr. Nahar's inability to come to the House but it was very late. I think Mr. Rashid, acting Chief Whip of the Upper House, was requested to arrange for his transport but I do not know what he has done because I have just come to the House and I was under the impression that he was trying to contact the Transport Department for a transport to be sent to Mr. Nahar. Evidently there was not much time within which to arrange this and to enable Mr. Nahar to be present when the House met to-day. Necessarily it may take some time to arrange this and if it will inconvenience the members of the House and waste their time unnecessarily till Mr. Nahar came we on this side of the House shall have no objection if this subject is taken up to-morrow.

**Mr. HARIDAS MAJUMDAR:** In this connection may I make a suggestion, Sir, that the Membership Cards may be treated as curfew passes in the meantime.

**Mr. GEORGE MORGAN:** What I would suggest to the Government, when there is this trouble going on in the city and there is all this difficulty in attending the Council—without doing anything at all—is to have the Council adjourned just now to have a short monsoon session instead of this stupid sort of sessions we are having now. We do not know whether we are going to work to-morrow. Something may happen—there may be more killings and stabbings and consequently more curfews. Life is not worth living and we cannot apply our mind to anything. In these circumstances I suggest that the Council be adjourned now till say July and if the Government will fix a 4-week session then we can get all the legislative business done in no time.

**Mr. BIREN ROY:** It is very hot too now.

**Mr. KAMINI KUMAR DUTTA:** I would like to support the observations made by the Leader of the European Group. Indeed, Sir, looking at the abnormal conditions in Calcutta now not only do I support the suggestion of Mr. Morgan but I would go further and say that the House be prorogued, adjourned sine die. Of course there are many Bills to be taken

up but it is impossible now because apart from the question of the difficulties in the way of the members attending the Council life in Calcutta has almost become unbearable. Just when one goes to sleep he does not know what will happen at night and in the morning he may find that he cannot move out of his house, curfew having been enforced in that area for something untoward that happened in the night. This is certainly not a mode of life in which any member can apply his mind to any work at all, and I think the other side will also agree with me and are unanimously of the view that the House ought to be prorogued till better times came.

**Mr. LALIT CHANDRA DAS:** May I make an alternative suggestion? The alternative suggestion is this. If the Government is so very anxious that the legislative work should be continued and should go on uninterruptedly we may be taken to Darjeeling in the same manner as the U. P. Government has taken all the members of the U. P. Legislature to Naini Tal. Take us to Darjeeling; we are ready; otherwise we support what has been stated by Mr. Morgan.

**Mr. PRESIDENT:** Darjeeling is not very pleasant at present. There are troubles.

**Mr. NAGENDRA NATH MOHOLANABISH:** I have just come from Darjeeling; it is not so hot as you suppose, Sir.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, I must record my most emphatic protest against the unkind expression used by Mr. Morgan. He used the expression "stupid session". Government cannot permit hooligans and miscreants to paralyse the legislative activities of Government. Therefore, we cannot agree either to adjournment or prorogation of the House when we have such emergency legislations on the anvil. So far as the question raised by the Leader of the Opposition is concerned, I would like to endorse the views expressed by you, Sir, sometime back that in an emergency the House should rather be always in session and we cannot avoid our responsibilities and go away without discharging them, simply because some stray incidents occur in the city. Therefore, I request you, Sir, to accept this point of view and not to press either for adjournment or prorogation of the House.

**Mr. PRESIDENT:** There is one point more and that is about providing transport for honourable members. I think this matter has been hanging fire for some time. Not all honourable members are in possession of cars and even if curfew permits are made available to them they might find it difficult even then to attend meetings of this House. They should therefore be provided with sufficient transport facilities.

**The Hon'ble Mr. MOHAMMED ALI:** Is it then suggested that transport should be made available as well as curfew permits for all honourable members?

**Mr. PRESIDENT:** I think leaders of the different groups might supply the Parliamentary Secretary with a list of members who would require transport with their places of residence.

**Mr. LALIT CHANDRA DAS:** We have already submitted one such list: probably it is in possession of the Hon'ble Minister.

**The Hon'ble Mr. MOHAMMED ALI:** The list should be a comprehensive one, containing a list of those members who want transport. I would also like to have a list showing the names of members who have cars of their own and simply required curfew permits, the idea being that they need not get any transport. Curfew permits will cover only the vehicles in which they travel and will not be personal to them. Curfew permits will be available for the transport vehicle only and it will cover all the persons in

the vehicle. There will be no necessity for curfew permits for each member travelling in that vehicle. Those curfew permits must mention the number of the vehicle also. I do not think a separate permit can be issued to each member.

**Mr. BIREN ROY:** But suppose, Sir, there is a breakdown in the service; then what happens? And if he finds himself in a curfew area?

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Finance Minister kindly listen to me? Suppose, a member is travelling by tram and he has no permit with him, and that tram car service breaks down. What will happen to the member in this case?

**Mr. PRESIDENT:** May I reply to that point? It is really a personal privilege and I hope Government will issue permits by name and make them available to honourable members personally: that would simplify matters.

**The Hon'ble Mr. MOHAMMED ALI:** I hope you will realise, Sir, that Government are going to arrange transport and that is really satisfying one of their privileges.

**Mr. PRESIDENT:** But there is one difficulty. As pointed out by Mr. Biren Roy, there may be a breakdown of the conveyance, or on a particular day his car is not available. Will he in that case attend the meeting or not? It is a member's privilege to attend meetings of the Legislature, it is the most important privilege attached to the membership of this House and I hope Government will see that members are not in any way inconvenienced in attending meetings or returning to their houses.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, Government cannot take steps on hypothetical suggestions made by Mr. Biren Roy. Anything may happen, but we will go on the presumption that there is no breakdown; nor is it to be supposed that the car in the possession of Mr. Roy will sustain a breakdown.

**Mr. SYED BADRUDDUZA:** It is not a hypothetical suggestion. It is quite possible that in some cases there may be a breakdown of the car or it may be the car has been sent to the workshop for repairs and in such cases we have to come by hackney carriage.

**Mr. PRESIDENT:** The driver may not be available because he is living in an area where curfew has been declared——

**Mr. KAMINI KUMAR DUTTA:** It may happen, Sir, that a particular member may have one car for his own use and another for his son and it may be that his own car is engaged in that case he will not be able to use the car unless he has the curfew permit in his own name. So if you issue one permit for one car he cannot use the other car——

**The Hon'ble Mr. MOHAMMED ALI:** The permit may be used for the alternate car. But we cannot come to a final decision now. We can examine it but cannot give effect to this now.

**Mr. PRESIDENT:** What is there to examine I cannot understand. I hope Government can manage it without much examination and much loss of time. It is a privilege of members of the Legislature to come to the House and to return home freely. So the permit should not be attached to particular vehicles but the permits should be issued to members personally.

**Mr. BIREN ROY:** May we know what is the answer?

**The Hon'ble Mr. MOHAMMED ALI:** I cannot give you an answer offhand. But I may say that it is only because Government respect the privilege of the member of the House that is why they have arranged for

the issue of permit. We are already arranging for facilities for members to attend the Legislature in view of the difficulty and when we wanted to issue vehicle permit I think members should realise that it covers all cars. Now that the members want to have individual permit we shall have to examine it from that point of view. I do not see any reason why it should not be possible to have such permits but we shall have to examine it.

**Mr. LALIT CHANDRA DAS:** In that case, Sir, till the matter is decided better adjourn the House. We cannot take risk at every step. Government ought to have sufficient respect for the members of the House. It is the privilege of the member to attend the House freely and Government are to see that that facility is available.

**The Hon'ble Mr. MOHAMMED ALI:** All right, Sir...

### Disturbances at Bhola.

**Mr. HARIDAS MAZUMDAR:** Sir, I draw your attention to the alarming state of things going on at Bhola and lawlessness is prevailing in Bhola now. Some persons are secretly training the use of *lathi* play and other things and standing crops belonging to certain community are being looted and there are cattle lifting——

**Mr. PRESIDENT:** What is that you are reading from?

**Mr. HARIDAS MAZUMDAR:** I am reading from a United Press message. It was published in the various papers yesterday. I think, Sir, the attention of the Government has been drawn to the information published yesterday. May I know what steps Government are going to take to check this lawlessness there from spreading it to other parts of the district.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, I have not received any official report regarding what has been stated by Mr. Mazumdar. I shall make an enquiry into the matter and I hope I shall be in a position either tomorrow or the day after- possibly tomorrow--to make a statement.

**Mr. HARIDAS MAZUMDAR:** I propose to give notice of a short-notice question regarding this incident.

**The Hon'ble Mr. MOHAMMED ALI:** You cannot have both.

**Mr. PRESIDENT:** Mr. Mazumdar, as the Hon'ble Minister has already said that he would make a statement tomorrow, I do not think you need put in a short-notice question.

**Mr. LALIT CHANDRA DAS:** Without prejudice to the other adjournment motions.

**Mr. PRESIDENT:** Other adjournment motions are not before the House. You cannot take up other adjournment motions until the one admitted has been disposed of.

The House stands adjourned till 1-30 p.m. tomorrow.

### Adjournment.

The House was then adjourned till 1-30 p.m. on Tuesday, the 29th April, 1947.

**Members absent.**

The following members were absent from the meeting, held on the 28th April, 1947:—

(1) Mr. Sultanuddin Ahmed.
(2) Mr. L. P. S. Bourne,
(3) Khan Bahadur Syed Abdur Rashid Chowdhury,
(4) Mr. Abdul Hamid Chowdhury,
(5) Mr. Yusuf Ali Chowdhury,
(6) Mr. Eric Dermot Doyne,
(7) Khan Bahadur Shaikh Fazal Ellahi,
(8) Mr. Mangturam Jaipuria,
(9) Allhadj Khan Bahadur Shaikh Muhammad Jan,
(10) Mr. Humayun Z. A. Kabir,
(11) The Hon'ble Mr. Tarak Nath Mukherjea,
(12) Mr. J. B. Nimmo,
(13) Dr. Kumud Sankar Ray,
(14) Mr. Md. Taufiq, and
(15) Mr. Bijoy Singh Nahar.

WBGP-48/9-1083A-750

# WEST BENGAL LEGISLATIVE COUNCIL

## First Session, 1947—No. 34

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on the 29th April, 1947, at 1-30 p.m. being the thirty-fourth day of the First Session of 1947, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PROSAD SINGH ROY, K.C.I.E.) was in the Chair.

### Disturbances at Chetla and Bhola.

**Mr. LALIT CHANDRA DAS:** Sir, will not the Home Minister be present to-day?

**Mr. HAMIDUL HUQ CHOWDHURY:** Sir, I gave notice of a short-notice question and you, I understand, passed it on but up till now I have not got any information when that question is going to be replied to, whether the question will be at all replied to. It is as regards the happenings at Chetla.

**Mr. PRESIDENT:** I understand that it has been sent to the Secretariat.

**Mr. HAMIDUL HUQ CHOWDHURY:** May I enquire through you, Sir, whether the Government can throw any light in this matter.

**The Hon'ble Mr. MOHAMMED ALI:** I do not know what is the position.

**Mr. HARIDAS MAZUMDAR:** With reference to the Bhola affair raised by me the other day the Hon'ble the Finance Minister as the acting Home Minister said he would make a statement to-day. May we hear him now, Sir?

**The Hon'ble Mr. MOHAMMED ALI:** So far as the Bhola affair is concerned Government have no information regarding any disturbance or any prevalence of lawlessness in that area but because the question was raised on the floor of this House yesterday we have sent a telegram to the District Magistrate to send us an immediate report regarding the position at Bhola and to let us know whether there is any truth in the statement that there was disturbance or disorder in that area.

**Mr. HAMIDUL HUQ CHOWDHURY:** Sir, I would again request Government through you to let us know whether they will be able to make a statement before this House either today or tomorrow.

**Mr. PRESIDENT:** I believe that the Hon'ble Minister has not yet seen the question.

**The Hon'ble Mr. MOHAMMED ALI:** It is so, Sir.

**Mr. HAMIDUL HUQ CHOWDHURY:** My question was a short-notice question and I am surprised that it has not yet been placed before the Hon'ble Minister.

**Mr. PRESIDENT:** I understand that the question was sent to the Secretary yesterday.

**Mr. LALIT CHANDRA DAS:** What about the Home Minister, Sir? He has not yet arrived.

**The Hon'ble Mr. MOHAMMED ALI:** I am representing him.

**Mr. LALIT CHANDRA DAS:** Why? The Home Minister is in Calcutta and he has come back from Delhi.

**Mr. BIJOY SINGH NAHAR:** Apparently he is taking rest.

**Mr. LALIT CHANDRA DAS:** He should be here, Sir, when this motion is being discussed and his department is concerned with it.

**Mr. PRESIDENT:** One Hon'ble Minister can represent another.

**Mr. LALIT CHANDRA DAS:** As it concerns his department he should be here, Sir, and he should not make himself conspicuous by his absence although he is in Calcutta.

**Mr. ABDUL RASHID:** The acting Home Minister is here taking notes.

**Mr. LALIT CHANDRA DAS:** That acting period is over; the permanent incumbent has come back.

**Mr. ABDUL RASHID:** The acting Home Minister also knows something about the affair.

**Mr. PRESIDENT:** Yes, Mr. Bijoy Singh Nahar.

## Adjournment Motion.

**Mr. BIJOY SINGH NAHAR:** Sir, I beg to move that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation created by the decision of the Government of Bengal to impose pre-censorship on all news and comments criticising the activities of the police force in this province, as announced in a Government press note issued on the 21st April, 1947.

Mr President, Sir, the reactionary and communal Government of Bengal has added one more feather of misdeed to their black cap by issuing a gagging order which takes away the liberty of the press. The order prevents the press from publishing anything criticising the activities of the police, their actions or inactions, their services or disservices, their civility or atrocity. If thus the police is allowed to go on doing any sort of thing without any comment or criticism by the press or the public, I am afraid a virtual reign of terror will be created in the city of Calcutta where the law abiding citizens will be made to live in a state of perpetual terror and panic, and shall have to surrender to the whims and dictates of the police and shall have to swallow what the police do or act by saying "Jo hukum". The misdeeds of the police forces have become sacrosanct in the eye of the communal Ministry. The order runs thus:—

> "The Government of Bengal have noted with deep concern the bitter attacks that have recently been launched in the press against members of the police force. Such action is bound to prejudice the recruitment, training, discipline and administration of the force and to undermine its morale. Now more than ever, an efficient and reliable police force is an absolute necessity for the well-being of the province. Government are determined that they will not permit the discipline of the force to be undermined by attacks in the press. The matter is so serious that immediate action is called for. Government has accordingly felt that they have no other alternative than to control the news relating to police activities appearing in the press. They have accordingly decided to impose pre-censorship on all news and comments criticising the activities of the police force in Bengal, etc."

Such an order has no parallel in the history of administration of any civilised Government. The Ministry has surpassed its own records of black deeds by issuing this order of gagging the press. Sir, we all know what services the press gives to the people. Newspapers are real nation-builders. They mould and shape the public opinion. They do not hesitate to bring out the truth before the public. They have by their honoest labour averted many a crisis which might have overwhelmed the world. During the last decade the press has done immense service to our country and has contributed largely to the peace, progress and freedom of the country. During these hard days of communal frenzy, too, their contribution has been none the less. They have sought to create a healthy atomsphere by appealing to the people to remain calm and to maintain law and order. Various methods have been suggested by them to the Government for quelling the disturbances. Their criticisms have been always helpful. They have always raised their voice of protest against this senseless killing and fratricidal activities which never help us in gaining our political objectives. Arson, looting and murder are merely acts of frenzy; they are no solution of political games that our leaders play. It is really through sincere efforts of the Bengal press that the riots have not spread as it was meant to be done by the interested parties. And you are going to gag this press and thus to deprive the public of the benefits of their services. You want to whitewash the misdeeds of the police after letting them loose in the streets of Calcutta. You want the public to suffer without a protest even. The press wants to help and serve the public and you forcibly want to stop them from doing so. We know, Sir, the newspapers publish news which are true to their knowledge and based on reliable informations. Their editorials and comments are always constructive and fair. Constructive criticisms are always welcome. Then why is the Government so much afraid of criticism? We know that your Government will never rise from its long slumber without the trumpet of publicity and propaganda. Without publicity and press report your Government would not know what is happening under your regime. The police officers will never report their own misdeeds. Petitions of the public will never reach your hands or will never be heard by you if you are not whipped by publicity. If you gag the press who will give the publicity? During the days of riot and communal frenzy the administration of law and order had failed to discharge its elementary duties to the people. The guardian of law and order have not been able to control the situation in this great city of Calcutta. What is the cause? Are the police really inefficient? Do they know their own business? Have they been maintained and paid for out of the taxes sucked out of the poor people's blood only to commit atrocities on them? If they are inefficient and if they do not know their business then what is the use of maintaining them at such a huge cost. If the press reveals these facts and point out the defects, the press is considered guilty by the guilty-minded Government. Sir, if the police really mean their business, they can stop such goondaism or stabbing within 24 hours. They know the persons doing these acts, they have lists of such goondas and badmashes, but they do not take any action against them because it seems that their instructions are such. Whenever they act, it is against the innocent public and not against the culprits. They arrest innocent people and the passersby and they will never find out the culprits even if they are pointed out. I would cite one instance to the House. On the 25th instant Friday, one Ram Sarup Singh was stabbed to death in a bye-lane in Surendra Nath Banerjee Road. His son saw the assailant and recognised him and reported the same to the police. The culprit was not arrested. How then do you think that stabbing would stop? And when such incidents are published the press is accused of bringing the police to the hatred of the public, or of demoralising the police. I cite another case—in Surendra Nath Banerji Road near Blockman Street corner there have been stabbing cases and the number

would be not less than ten by this time, some of which have since been proved fatal. Crackers have also been thrown and brickbats hurled from the same place. No action has been taken, not even any armed guard or watch has been posted there. In Hughes Road, Sir, the armed police entered the low built huts in a Dosat *Bustee*, tortured, wounded the inmates and killed four persons and made a free use of their rifles and bayonets on these unfortunate victims. Streams of blood flowed out of the place. The most inhuman action that was committed there was that the poor women of the place were forced to drag out the wounded and dead bodies of their near and dear ones and to place them on police vans for no fault of theirs. It so happened that one prominent citizen of the locality was passing in his car. He saw the crime of the police and protested. He was ordered to clear out else he would be shot dead. He drove his car a few yards ahead and waited to see what happened next. Accidentally the police chief of the city of Calcutta was passing through the same place at that very time. The Commissioner of Police saw the brutality of the armed guards. The gentleman also drew the attention of the Commissioner and requested him to stop the inhuman acts. But to his utter surprise the police chief, the preserver of law and order in the city, paid no heed and went away. And if these incidents are published in the press the high morale of the Calcutta police will surely be undermined. 100, Harrison Road incident is rather too familiar. The Hon'ble Minister of Law and Order has accused the public and the press alike for believing in the hearsay. According to him the whole matter is a myth and still he has prosecuted two of his most able newly imported policemen. Had there been no publicity this action would not have been taken. The fact that the accused were arrested long after this incident goes to prove the case——

**Mr. HAMIDUL HUQ CHOWDHURY:** On a point of order, Sir, the hon'ble member is going into a case which is *sub-judice* and if he is given the latitude the other side may claim the same latitude——

**Mr. PRESIDENT:** I am listening to him. I think Mr. Nahar you better repeat what you said last.

**Mr. BIJOY SINGH NAHAR:** Yes, Sir, I will read what I have said "According to him the whole matter is a myth and still he has prosecuted two of his most able newly imported policemen. Had there been no publicity this action would not have been taken....."

**Mr. PRESIDENT:** I think you better leave out that portion. I think the best course is to avoid any reference to the case. The matter is *sub-judice* so better not make any reference.

**Mr. HARIDAS MAZUMDAR:** May I make a submission. He wanted to show how this publicity of 100, Harrison Road, incident was responsible for instituting the case. If the press did not publish the incident the case would not have been instituted at all.

**Mr. PRESIDENT:** Mr. Mazumdar, it could be done without expressing any opinion as to whether the observations of the Chief Minister have been right or wrong. So, Mr. Nahar, you better avoid any expression of opinion. I hope you will follow my advice.

**Mr. BIJOY SINGH NAHAR:** Sir, I may explain to my honourable friends opposite that I was going to show that this sort of order does not really help things to come out properly.

I may cite another instance how the innocent has to suffer. Only day-before-yesterday, curfew was imposed suddenly from 4 p.m. in certain areas of Taltala police-station. The information was received at about 3 p.m. Propaganda vans toured round at about 3-30 to 4 p.m. My

servant was already out for marketing and naturally he did not know of the curfew order. While returning at about 4-15 p.m. he was stopped by the police and was not allowed to enter the curfew area. On getting information I rang up the Taltola police-station to pilot him to my house, as by 7 p.m. the other areas will also come under curfew. Instead of giving help the police threatened that if he was found loitering he would be arrested. This is how curfew works, and this is the spirit of service of your trusted and able police officers.

Sir, the Government by this gagging order seeks to perpetuate a rule not by moral acquiescence of the people conducive to the growth of democracy, peace and freedom, but by the brute force muzzling press and public opinion, by invoking special powers ordinances, while it is nothing but a negation of fundamental rights of the people. The world has already seen the fate of such fascist dictators who used to ride roughshod over the public opinion. The powers like Hitlers and Mussolinis and Tojos have vanished. Terrorism and gangsterism cannot and will not succeed. India is no doubt passing through the critical phase of her national life but we are on the verge of freedom. I would therefore like to warn the authorities that by alienating public sympathies by way of gagging and muzzling the press and stiffling the public opinion, they are bringing the days of their doom nearer and nearer. Public opinion must assert itself and sweep away the forces of reaction and anti-nationalism. We want freedom of thought and freedom of expression. But you want to gag such freedom which is an inalienable right of the people. We know that the Ministry is composed of a set of incompetent "Apkeswaste walas" who can never rise equal to the occasion and see beyond their narrow grove. They are just like the proverbial "Goboo Chandra" Ministers under the "Haboo Chandra" regime. The people are getting fed up with their present despotic administration which has failed to inspire public confidence and has miserably failed to discharge its elementary duties and obligation to the people at large.

In conclusion, Sir, I submit that if this gagging order is persisted it will lead to unauthorised publications which the Government will never be able to stop. People will get all the more panicky. Public morale will be completely undermined and the police *zoolum* and atrocities will go on with relentless fury. The gagging order will defeat the purpose for which it has been invoked. Exaggerated reports of police atrocities, false rumour and incredible stories will go round from mouth to mouth and an intolerable situation will thus be created. Hence I would urge upon the Government to refrain from this disastrous course and to withdraw this senseless gagging order in the interests of the press as well as of the Government.

**Mr. PRESIDENT:** Order, order, Motion moved that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation created by the decision of the Government of Bengal to impose precensorship on all news and comments criticising the activities of the police force in this province, as announced in a Government Press Note issued on the 21st April, 1947.

**Mr. HAMIDUL HUQ CHOWDHURY:** Sir, it appears that adjournment motions are coming up frequently thus interfering with the normal business of the House. Either there is a defect in the rules or there has been too liberal an interpretation of the rules governing adjournments and thus the normal business of the House is suspended. If any minor incident round the corner of the city or the province either real or imaginary gives occasion for adjourning the business of the House.

**Mr. PRESIDENT:** Mr. Hamidul Huq Chowdhury, it is a reflection on the Chair and I hope you will withdraw the expression.

**Mr. HAMIDUL HUQ CHOWDHURY:** Yes, Sir, I withdraw. The rule should be made more stringent in the matter of adjournments of the House without of course abrogating those rights and privileges which are ordinarily available to every legislature. This is a right of the Legislature; no doubt it is a right of the members to have very important matters discussed in preference to the normal business of the House if that right is not abused or is not extensively used for anything and everything. Therefore I submit that the Rules should be so drafted.....

**Mr. HARIDAS MAJUMDAR:** On a point of order, Sir, I do not understand what the honourable member is driving at? Is he speaking on the rules governing adjournment motions or has he got anything to support the gagging order, I do not follow?

**Mr. PRESIDENT:** Mr. Hamidul Huq Chowdhury is making a general observation on the rules of adjournment for criticising Government action I think he is entitled to do so.

**Mr. LALIT CHANDRA DAS:** But that is not the subject before the House, Sir.

**Mr. PRESIDENT:** Mr. Das, you know in a matter like this certainly every member can express his opinion generally on the question of the principle of adjournment motions.

**Mr. HAMIDUL HUQ CHOWDHURY:** Illustrating my observation I say that the subject-matter of to-day should not have been brought in the form of an adjournment motion.

Now adverting to the philosophy of my friend, the mover, namely that the liberty of the press is the foundation of the individual's liberty it is to a certain extent true. But if you look round to the press activities, to the papers propaganda starting before August 16, 1946 and if anybody is responsible for keeping the communal flame burning it is the press; it is the newspapers. It is not peculiar with this province that restrictions have been sought to be imposed upon the papers but they are to be found in every province. Bombay has tried it; Punjab has tried it under Section 93 Government; Bihar has tried it and Bihar has not only gagged unauthorised writing in the newspapers but they have also stopped the entry of newspapers from Bengal and other neighbouring provinces. I do not object to the responsibility of the Ministry or the Government and in discharging that responsibility to their exercising this extraordinary power of gagging the papers when the citizen's safety requires that it should be so done when our sentiments run high, when emotionalism is the only argument which sways our judgment or our action it is very difficult for us to argue and say that in this riot that is going on in the city it is not the Hindus alone who are suffering nor are the Muslims alone who are suffering; both sides are suffering; inhuman atrocities are being committed on the most innocent and most unsuspecting passersby both among the Muslims and among the Hindus and both are the victims to the assassin's knife. I even say that it is more often the innocent who are the victims of the assassins. So also is the case that sometimes it is the innocent who fall victims to the police because the culprits who are always on their guard and are bent on stabbing somebody commit the crime and run away scot free and the innocent who may run away out of fear may be caught by the police as though they are the culprits. And when he strikes (he makes previous preparations to do so) he also escapes and thereafter the police come upon the scene, make arrests right and left not excluding the most unsuspecting of people who may be about. There are hundreds of cases coming up every day complaining against atrocities of the police in which innocent people have been murdered or violently dealt with, of houses having been broken into by the police and arson and loot having been committed, and

also of people and children expecting to be released on bail which, however, is being refused everyday. This is what is happening almost daily in Calcutta, but, Sir, what is the other course left to Government? If the situation is as above, when the most innocent and the most unsuspecting are attacked and wounded or even killed, then I think some sort of force is essential on the part of the police for the proper protection of people against those who work in cover. Therefore, it is no good exciting passions of the people; for, exciting passions of the populace does not help. If on the contrary the police is not given free scope to use a certain amount of harshness at that stage, then we must go back to what was happening on the 16th August till the end of that month, when the police was most conspicuous for their non-interference and what was the result? The result was thousands of lives were lost and millions of rupees worth property were destroyed, and the suffering of innumerable families are still continuing. And if we contend today that the police shall not use any violent methods or even a slight degree of harshness, then we must be ready for what happened in the month of August last. If the mover of the adjournment motion can cite four examples in which the police molested innocent and unsuspecting persons, I can also with equal degree of correctness cite another half a dozen cases which have come to my personal notice and in which I also held investigations but over which I have kept silent, because until the city has got back to normalcy the question of finding fault with the activities of the police and curbing their activities also is rather premature. Upon the non-communal attitude and freedom of the police depends the safety of the city. The more we can drive this necessity home into the minds of the police force the greater will be our chance of escaping the tragedy of August 1946.

**Mr. HARIDAS MAZUMDAR:** Sir, I rise to support the motion moved by my friend Mr. Nahar. Sir, with the dawn of independence within our view, it will sound paradoxical that in Bengal we are going to lose our personal liberties and freedom of the press, thanks to the whim of the communal administration working in Bengal, as one-way traffic; their goal being the achievement of Pakistan. So like a skilful juggler Mr. Suhrawardy cries halt at every turn of the political turnpike gate, to make free passages for the heroes of Pakistan. It is only the other day, at this Council hall, that he glorified the Punjabi police as the saviour of Calcutta. If so, how awkward it appears to him that these Muslim Armed police should horribly be featured as the perpetrators of crime in the Hindu press, who presumably may be apt to lie being "kafirs", or "non-believers"? If they commit crimes why should they be publicly brought to light; are they not trying their level best to help to establish Pakistan in Bengal? So arises the need for the curtailment of press freedom which is already suffering under considerable restrictions perhaps under a lame plea of "mutual retaliation theory" though dame rumours are playing havoc and public confidence utterly shattered.

There must be some limit to patience even to Mahatmaji's non-violence. The excesses committed by the Punjabi Muslim police outstrip all conceivable form of human leniency and if they be not published and properly ventilated an assumption will naturally be made by them that they are above laws and all actions however brutal will deserve praise and support from the authority. The further gagging measure as under reference will ultimately lead to it with dreadful consequences.

Full and complete black-out of this section of news in the newspapers will no doubt act as a smoke screen to hide misdeeds, commission and omission of the Punjabi Muslim Police who know their own business. As a result of blackout of the important news unwary travellers or passers-by might be entrapped in the danger spots and would lose their lives without any chance of being rescued as the rescuers are being sometimes shot

dead. Rights to life, liberty and property are the elementary rights of every national and any Government failing to provide these essential conditions ceases to claim its existence. I am confident that the excesses which were being published in the papers would have shocked a most unimpressionable Governor like Sir Frederick Burrows, even if we do not take the outside public into account.

As everybody who knows Mr. Suhrawardy, knows it well that as a propagandist he has an excellent record. To establish full and sovereign Pakistan is his aim and to camouflage the main object he is indulging in big phrases like "United and Sovereign Bengal" in a divided India. He is therefore naturally crying down the Partition movement and to crush it completely, in his usual way of a master propagandist, wants to crush the Bengali Hindu press. His sermon on the mount at New Delhi reminds me of the story of the Tiger lecturing of the beauty of the bangles to the unwary passerby.

These Punjabi Muslim police are totally ignorant of the language, manners and customs of the people of the province and so they are totally unfit to serve Bengal and if they be retained and their excesses to be protected under the shelter of law, does not the suspicion naturally arise that it is being done to achieve Pakistan by any means however foul hence the necessity of this blackout to protect his own police force.

Sir, the double faced game of the Leaguers is now a public property—think of the Punjab and North Western Province, where the League stands as the perpetrators of the worst crimes even judged by most impartial people, there the voice of the Leaguers rise topmost for the freedom of the Press and Association and they have launched a civil disobedience campaign there; their behaviour in Bengal differs, though here they should have been very cheerful, because they control the administrative machinery and the Hindus being most half the population of the province have no hand in the shaping of their own destinies. Tax-payers are not represented in the Cabinet which is bringing not only taxation bills but land expropriatory bills also. The gagging of the Press under further restrictive measures therefore must be viewed in this light namely the protection of the criminals and the crushing of the Partition movement and it cannot be explained otherwise. So, I strongly condemn the measure, its object being diabolical and lacking all the principles of political science and practical sense of administration.

Sir, I have shown how gagging ordinances have become necessary for this communal administration to keep down the Hindus who even according to Mr. Suhrawardy have superior education, financial resources. He further stated that they will get better deal at his hands after 1948 June, under a sovereign Bengal state in a divided India. Mr. Suhrawardy admits of course under the pressure of the much maligned agitation for a partition or repartition of Bengal, that Muslims have got a slender majority. I would request you, Sir, to make the word "slender".....

**Mr. PRESIDENT :** Mr. Mazumdar, we are not discussing general politics now.

**Mr. HARIDAS MAZUMDAR :** Now Sir, I was showing how this gagging order was aimed at to stop this movement and other things. This is, I think, quite pertinent, Sir.

Now, Sir, may I enquire from our Chief why then they are wielding an overwhelming "power" and unreasonable attitude of mind particularly in bringing the land bills when the Hindus are vitually affected. Our Chief betrays his real self when he thinks that he is all in all in delivering goods in Bengal and threatening with "unending misery to a divided Bengal." In this connection, may I enquire if he is agreeable to accept

an humble suggestion namely press gagging ordinance should be immediately withdrawn and in their place a standing press advisory committee consisting of the editors of Bengal dailies with 10 members from the Legislature to be nominated by the President and the Speaker to be formed with powers to deal with all press matters connected with riots and other communal disturbances.

With these words, I commend the motion of my friend Mr. Nahar to the acceptance of the House.

**Mr. MD. TAUFIQ:** Sir, I rise to oppose this motion. Actually, in my opinion there is no necessity of giving a reply to the arguments put forward by Mr. Nahar and Mr. Mazumdar. To me it appears like a gramophone record which I have been hearing from time to time since August 16th, 1946. Not only the press but these frequent adjournment motions are mostly responsible for the riots. Your communal speeches (Mr. LALIT CHANDRA DAS: Your communal action in the Colootola Street) are creating this trouble since August 16th. There are certain complaints against the police among the Hindus and the Muslim citizens of Calcutta. There are complaints against the Gurkha police. They have shot many Muslims in Chitpore Road—small boys were standing in the verandah or balcony of their houses and the Gurkhas shot at them——(Mr. LALIT CHANDRA DAS: Was that published—did you report that to the press?) We did report. (Mr. LALIT CHANDRA DAS: Was that published?) We do not like the publication of these things.

**Mr. PRESIDENT:** Mr. Taufiq, will you please resume your speech without trying to reply to the interruptions.

**Mr. MD. TAUFIQ:** So, there are allegations against the Gurkha police and there are allegations against the Punjabi police. Since the Punjabi police were brought in Calcutta a sort of compaign is going on against them and my friends opposite want to prove that the Punjabi as a class is unfit for this job. (Mr. BIJOY SINGH NAHAR: Mr. Taufiq is a Punjabi)——No, I am not a Punjabi. Now, Sir, it would have been better for the Government if they had promulgated this order on the press long before. If they had done that much of the trouble would have been averted. So far as the Opposition is concerned they must find some excuse to blame the Government. They were blaming the Government about the August 16 affair that the police did not take an active part; now they blame the Government that the Punjabi police is harsh. They never raised their voice against the Gurkha police. Gurkhas are not Bengalees but they never raised that point, because they are very clever fellows. They put their communal demands and communal grievances in such a way that they would not look unreasonable. Sometimes they speak on the grounds of nationalism; sometimes on the ground of provincialism and they play their game of communalism while at the same time they blame the other side of communalism. This gagging of the press order is not for the Hindu press alone. It is for the whole press of Bengal. (Mr. LALIT CHANDRA DAS: But it is predominantly Hindu.) May be predominantly Hindu. I should think that we should not any more indulge in making speeches of a communal character and it is better that the motion is put to the vote and finished.

**Mr. LALIT CHANDRA DAS:** Permit me, Sir, to record my emphatic protest against the imposition by the Government of precensorship upon the news and views relating to the activities of the police in Bengal. Sir, the gag order on the press is entirely unjustified.

We desire most earnestly that the fratricidal strife in which the Hindus and Muslims are now engaged should end as early as possible. We desire that measures however stringent should be adopted to bring

about its end. But excesses must be avoided. For this, Sir, a watchful press is necessary to call attention of the public and the Government to the excesses committed by the police.

Mr. Suhrawardy says that his imported Punjabi Muslim Armed Police together with the rest of the police force stand for the protection of our life, property and honour. What then, if they do not? Should their misdeeds go unreported?

In parts of Calcutta, Maniktalla for instance, Mr. Suhrawardy's police beat men, women and children indiscriminately and even struck down a pregnant woman to unconsciousness and committed other acts of molestation on women. What code of honour prompts our Home Minister to gag the publication of such news? In another place, say Mechua Bazar Street, on the plea of a cracker thrown from a running bus, passengers were dragged down, halted at a corner and robbed of their money. What code of morality but that of a *goonda* can urge a Ministry to hush up such news or put impediments in the way of publication of such news? Some persons are arrested and on the plea of taking them to the thana, they are sought to be led through a Muslim area, which means certain death to them. On their refusal to go to the locality, they are fired at and taken to hospital in a precarious condition where some of them die. Will Government gag the press and hush up such incidents? Some occupants of a house, say in the Burrabazar area, open the windows of their house to see wherefrom the sound of explosion comes. Immediately a bullet from the police rifle whizzes through the air and kills a man outright, and another bullet hurts another in the skull who is carried unconscious to the hospital. Is it the intention of Government that such news should be gagged? Sir, the 100, Harrison Road, case would not have seen the light of the day but for the press.

Sir, democracy thrives on criticism. It rules by reason and persuasion. Public opinion is its strength and public opinion is expressed through the press and hence is the press called the Fourth Estate. Sir, when you gag the press, you really gag public opinion and thus you forfeit your claim to democracy. Indeed, Sir, we are under a Fascist regime. Mr. Suhrawardy has out-Hitlered Hitler himself. Since August 16th last, the day he inaugarated the Direct Action policy of the Muslim League by presiding over a Muslim mass meeting under the Ochterloney Monument, there has been no end of trouble in Bengal and elsewhere. We can forget only at our peril the great Calcutta carnage of August last. We can forget only at our peril the sad happenings in Noakhali and South Tippera with their mass conversion, murder, arson, rape and loot. Sir, how can we forget the repeated happenings in Dacca and Calcutta outbursts of communal fanaticism? This time it is from the 25th March last that this city has been plunged into anarchy. In fact, terror and anarchy are sweeping through the land with endless loss of life and property in spite of Mr. Suhrawardy's police. Over all these now comes the astounding order for the suppression of news regarding the activities of this corrupt, tyrannical and highly inefficient police. Sir, the press laws are already very stringent. The pressmen work with a halter round their neck. For any error or supposed error, for disseminating news not palatable to the Government, they are made to deposit huge amounts of money which is subsequently forfeited to the Government. Sir, why gag the press then? Sir, it won't do to say that the imported Punjabi police are a set of fine disciplined soldiers. Hitler's troops were similarly described even by Mr. Churchill. That did not prevent his soldiers committing the worst of crimes in Russia and the occupied countries of the West. Mr. Suhrawardy's soldiers may be fine as well as disciplined but they are not impervious to sex-impulses nor are they unconcerned in loot, nor irresponsive to bribe-taking, nor averse to acts of cruelty.

Sir, in Ireland when deValera and his comrades fought the British, black and tan methods were adopted by the British Constabulary. Both in England and Ireland, the actions of the police were subjected to severest criticism but the Government of the day never thought of muzzling the press. Here, however, our Home Minister in right Fascist style gags the press and protects the misdeeds of the police from seeing the light of the day. Sir, the situation which has arisen is simply unbearable. The present Government must go; otherwise there will be no end to the miseries of the people. What is most needed as an immediate solvent of the situation is the establishment of Regional Ministries—one for Western Bengal where Hindus overwhelmingly preponderate and another for Eastern Bengal where the Muslims similarly outnumber with a view to ultimate partition of Bengal.

**Khan Sahib Maulvi WAHIDUZZAMAN:** Sir, is the member at all relevant?

**Mr. PRESIDENT:** I think he is.

**Mr. LALIT CHANDRA DAS:** Thank you, Sir. Sir, communalism has infected the mass minds of the Muslims to such an extent that——

**Mr. PRESIDENT:** Mr. Das, I would request you to confine yourself to the subject matter of the adjournment motion.

**Mr. LALIT CHANDRA DAS:** Sir, I am speaking of the situation arising out of the policy of Government. The position has became unbearable——

**Mr. PRESIDENT:** But you should not go beyond the scope of the adjournment motion.

**Mr. LALIT CHANDRA DAS:** It is the subject matter of the adjournment motion and I think I am entitled to speak on the situation that has arisen out of the gagging order of Government. The situation has become unbearable——

**Mr. PRESIDENT:** You can speak about the situation that has arisen out of the precensorship order. But you cannot go into the general politics and discuss anything and everything else——

**Mr. LALIT CHANDRA DAS:** If that is your ruling, Sir, I think I will sit down——

**Mr. PRESIDENT:** I hope you will confine yourself to the adjournment motion.

**Mr. LALIT CHANDRA DAS:** Well, Sir, I will try my best to do so. But I think I am entitled to say something about the situation created by this sort of order——

**Mr. PRESIDENT:** As an old parliamentarian and with your experience as a lawyer you should realise that an adjournment motion can only be allowed on a definite matter of urgent public importance. Therefore the discussion must be on a definite matter. It cannot be on every conceivable subject, and that will be out of order, I am afraid.

**Mr. LALIT CHANDRA DAS:** Sir, I bow down to your ruling——

**Mr. PRESIDENT:** Mr. Das, your time is up. (Here the honourable member resumed his seat.)

**Mr. C. MORGAN:** Mr. President, Sir, I rise to oppose the motion before the House, but in doing so I wish to make some comments.

I yield to no one in the desire for freedom of the press, but freedom does not mean licence. Now, Sir, it is undeniable that some of the press have been injudicious in many of the statements regarding the police and the Calcutta rioting—remarks which helped to stir up communal feelings. This is to be deplored, and any action taken by Government which would have the effect of preventing such statements, is to be commended. We cannot expect the police to do their best to maintain law and order if statements regarding their actions generally are continually critical. Isolated cases there may be and in one case Government has taken action. But general abuse does more harm than good. At the same time the powers taken by Government must not be used to suppress information which the public are entitled to have. Government have in many instances delayed to place facts before the public and that has had the effect of making the public suspicious of Government. All publicity regarding the true position is to be welcomed, but the public are suspicious of censorship in any form and will continue to be suspicious in this instance in that they fear Government may suppress information, which action might be construed as having political party aims.

If the censorship is clean and unbiased, it can do good. If not, then the public will have every right to criticise Government.

**Rai Bahadur JOGENDRA NATH RAY:** Mr. President, Sir, immediately, following the Harrison Road incident and its true picture published by the nationalist press and criticised, the Suhrawardy Government imposed precensorship order upon the press, thereby gagging the press about all real reports about police atrocities. The reasons given for such orders are stated to be that such criticism would prejudice the recruitment, training, discipline and administration of the police force and undermine their morale. Pray if sound criticism of the activities of the members of law and order, affect the development of their morale, will their gross and brutal acts of immorality establish their morale upon riding roughshod over the feelings of the minority community. I fail to understand how this gagging of the press will help the recruitment of the police force. Mr. Suhrawardy defended the importation of these new recruits to the police from the Punjab on the ground that the members of the majority community to the police force in the city were in a minority. The events during the last few weeks have, however, shown that whatever other objects these newly imported police men might be helping him to achieve, they have unquestionably succeeded in creating a sense of panic and insecurity all over the city. The warning given by my humbleself in course of my speech on the supplementary Police Budget debate dated 25th March, 1947, that "the excess money required for bringing in the Punjabi Muslims was to terrorise the children of the soil" has, as rightly pointed out by the "Amrita Bazar Patrika" in its issue of 19th April, 1947, proved to be prophetic. We warn the authority that things cannot be allowed to go on in this way any longer.

Does Mr. Suhrawardy believe in the theory of maintenance of discipline of police force by banning all the news of police cruelties? I admit with Mr. Suhrawardy that "efficient and reliable police force" is most necessary at the present moment. But it is not certainly the proof of their reliability because they are serving the political aims of a particular party or are useful instruments in spreading terror and havoc to the mute millions of the minority community. The reliability of the police of Mr. Suhrawardy's Government is the replica of the same Government. In suppressing the press, the Suhrawardy Government is suppressing the spread

of its nefarious activities which are shameful for even a barbaric regime. This order is a convenient excuse to a thorough-going communalising of the police force behind the scene and at the back of the knowledge of the public and the press.

The adjournment motion on Harrison Road incident was disallowed on the simple excuse that the matter was already *sub-judice* and should not be prejudiced. Mr. Suhrawardy took his shelter under this very timely garb and practically he gagged the cherished right and liberty of criticism of the Opposition benches. But all comments coming from the lips of Mr. Suhrawardy are above all criticism and above the implications of a case *sub-judice*. It is nothing but gagging the legislature when Mr. Suhrawardy says that the speeches made by the Opposition members on the adjournment motion would come within the mischief of the orders if they were published in the press. This trampling of the traditional and conventional privilege of the members to speak about the adjournment motion without reservation and the publication of them verbatim in the press is a sure sign of the dictatorial mentality observed only in totalitarian states of Hitler and Mussolini. Is Mr. Suhrawardy going to convert himself in any understudy of Hitler, knowing the consequence of such regime? Does he not think that this double gagging of the press and the Opposition, he is simply encouraging the lawless activities of the so-called keepers of law and order? Does he not think that by his orders on the press, he is simply helping the rumour-mongers in taking their place and making things worse? Mr. Suhrawardy knows the evil consequence of such idle rumours and he has often asked the people to be careful of them. But he is now inviting the same by his highhanded precensorship order on the press whose only fault was that it called a spade a spade. We demand that in the interest of peace and security and in the interest of communal harmony this imported Punjabi Force should be disbanded and removed forthwith from the city and from this province. We talk, protest and we table adjournment motion which would be of no effect as they would only get a characteristic reply from our Hon'ble the Chief Minister. We do also demand that the order of his Government imposing precensorship on all news and comments criticising the activities of the police should at once be withdrawn for the ends of justice and fairplay. Even if this humble appeal of ours goes without response members should think twice if they can co-operate with a communal administration for the best interests of the country. I would like to tell the League Ministry that the public have lost all confidence in their Government. They may take note that communalisation of services, gagging of the press and reducing to subservience the minority community would not end the present trouble unless the mentality of the League Ministry is changed. History dies hard; history also repeats itself. Has Mr. Suhrawardy forgotten the events closely following the internal dissension between Shiraj and Mirzafar? The same dissension is there now. Let us hope that history repeats itself and any reasonable man with some foresight could observe the writing on the wall.

**Mr. SYED BADRUDDUJA:** Mr. President, it is after a good deal of hesitation that I take part in the debate this afternoon. As a matter of fact, Sir, for nine long months I have observed a discreet and dignified silence on matters involving communal issues per chance any undesirable observation or remark in an unguarded moment might instead of soothing troubled waters aggravate the situation all the more. It is, Sir, a misfortune, a cruel tragedy of public life in India that whenever any attempt at constitution making has been made the communal bubble has always burst revealing to the world the most combustible substance of racial hatred and antagonism that lies beneath the apparently calm political surface of India. And now when India is on the threshold of attaining freedom this trouble has again begun and day in and day out cases of

arson, of loot, of plunder, of massacre of innocent are brought to our notice which conclusively prove that the communal virus has poisoned the entire atmosphere. Sir, the Government of Bengal has to-day been faced with the most difficult situation. Violent diseases, Sir, require violent remedies. I personally bear testimony to the fact that when the curfew was imposed in my area, in the Taltola area, most of the inhabitants had to go without food and most of them had practically to starve because the curfew was promulgated at 11 p.m. in the night and it continued the whole day following. Yet we do not grudge it; we have got to put up with some amount of inconvenience; some amount of restraint on our movements, all for the sake of restoration of peace and amity among the citizens of Calcutta. The Government of any civilized country in the world would be forced to impose certain restrictions on the ordinary civil liberties in abnormal times. In normal times we know arson, murder, etc., do occur, but then the ordinary machinery of the land is sufficient to cope with the situation but in abnormal times abnormal and stringent methods have got to be adopted. Now, Sir it appears that gagging of the press is not resented so much as certain incidents that occurred in a certain area committed by certain members of a certain section of the police. For a single moment I will not support or condone the excesses of any man, either of a member of the police service or of a member of any other service or of any official or non-official to whatever denomination, to whatever creed, to whatever organisation, to whatever community he may belong. Tar and feather such miscreant quarte and slaughter him, torture him with every refinement of cruelty. But for God's sake do not make the administration responsible for the misdeeds of a miscreant or miscreants. I shall not go into the particular case of police excesses referred to because that question does not arise at the present moment and also because that case is *sub-judice* and we cannot go into the merits of the case at this stage. But simply because a particular member of a particular police force committed something it does not necessarily follow that the liberty of the press, the freedom of the press should be taken advantage of to condemn the entire branch of that particular police force. If they have committed certain offences certainly they are guilty; they should be put on trial and if the charge is substantiated against them, they should be punished. Such charges have been made against the Gurkha police as well. If some members of the armed police force from the Punjab are condemned as devils there are some members of the Gurkha armed police who are not certainly angels of peace and perfection, there have been excesses perpetrated by both sections of the police during the riots where the police has been alleged to have done violence to miscreants and innocent people alike. Pursue the miscreants by all means, pursue those who are engaged in the task of murdering, torturing, assassinating innocent people, looting properties and in committing rape on innocent women. Spot them out and punish them. But by all means strengthen the hands of the Government in this connection and do not embarrass them.

Sir, in this particular connection I have heard much to my amazement and surprise, that every time that this question is raised attempts are made to link up the conduct of a particular man with the administration, as if the administration is responsible for inciting violence in any manner. Sir, my relations with the Hon'ble the Home Minister of this province have never been cordial since the dramatic exit of Mr. Fazlul Huq in 1943. I have had no personal social or political contact with him three years, but I must state without any fear of contradiction that all the statements that Mr. Shaheed Suhrawardy has issued since after the riots of August, 1946, have been marked by a sweet reasonableness, a sobriety of judgment, and a sincere desire to restore peace and confidence in the public mind, and his last statement has surpassed all others in this respect. I have read that statement not once or twice, but over and over again but have found in it no attempt to confuse the issues but throughout a sincere desire to

restore confidence in the public mind. It breathes throughout a desire to adjust the conflicting interests and harmonise the irreconcilable and divergent claims of the two major communities in Bengal. If we did find Mr. Suhrawardy lacking in efficiency or slackening in his efforts we would certainly not spare him as we had never spared him in the past. If we suspected that his Government was deliberately bungling or mismanaging the affairs of the province we would certainly not spare him at all whatever the position and whatever the eminence that he might have attained. But at this critical juncture in the life history of India when the whole atmosphere is surcharged with germs of suspicion and distrust, for God's sake don't bring in extraneous considerations, and confuse the real issue, so much that even the appeal of Mahatma Gandhi and Quaide Azam Jinnah has not borne any fruit. When goondas commit the most perfidious and treacherous crimes and stab unsuspecting men and women behind their backs, no Government, no administration can check these violences, these michievous tendencies without the co-operation of the people as a whole. Therefore, we, Hindus and Mussalmans, have got to bury our hatchets. The philosopher in his closet, the merchant in his ledger, the legislator in the Council or in the Assembly, the judge on the Bench, all classes and conditions of people, educated or uneducated all alike must come forward to compose the differences, and pave the way for intercommunal harmony which is the crying need of the moment in this much distracted, much disrupted, much agitated land of Hindusthan. But I must confess to a feeling of disgust that simply because there have been riots and recrudescence of riots it cannot be urged as a real ground for supersession or dissolution of a particular Ministry or establishment of regional Ministries or promulgation of section 93. If that is so, then I am afraid the administrations of many other provinces, including the Centre, have to be superseded. No particular province is free from troubles now. Sir, it has been emphasised that communialism has infected the whole provincial administration with its virus. If so, may I ask my friends on the opposite benches if the administration in the United Provinces, in Bihar and Assam is not also communal? and also in Madras and Bombay? If the "domination" by a particular party or community which happens to be in a majority in a particular province every province at the present moment is condemned as communal, then I am afraid we must plead guilty to the charge. Sir, riots have occurred in the past but nowhere has it been suggested that suppression of a particular Government would offer the right solution——

**Mr. PRESIDENT:** Mr. Badrudduja you had better come to the subject matter of the motion before the House.

**Mr. SAIYED BADRUDDUJA:** Yes, Sir, I am only answering certain points raised by my friends on the other side. I have got a personal weakness for the press and I would not for a moment ask Government to abuse their power and impose unnecessary restrictions on the press. But restriction imposed in the interest of peace and harmony, alike on the Muslim and Hindu press, is justified in certain circumstance. During the riots in August, 1946, I used to read certain newspapers and it pained me to find how Hindu and Muslim papers used to paint the members of the other community in the darkest possible colours representing members of their own community as angels while those of the other community as devils and *satans* with the result that even some of the greatest leaders among us who command great respect and confidence lost their heads—

(Here the honourable member reached time-limit and resumed his seat.)

**Mr. KAMINI KUMAR DUTTA:** Mr. President, first of all I may say that in moving this resolution the mover did not refer to any communal aspect of the matter and indeed in our discussion so far there have been digressions in the shape of eulogy of Puniabi

Police and also eulogy of the Chief Minister and also some reference to communal aspect. But I would appeal to all to look to the resolution most dispassionately without any reference to any communal complexion of the matter. It has been said that the press spoke evil things about the Punjabi Police. But our memory is short—the press also did not spare the Gurkha Police in this respect, so press did not confine their criticisms only to the Punjabi Police.

Now let me refer to the subject matter of the resolution itself. This gagging order of the Government is of a character which it is impossible to support from whatever Ministry and from whatever administration it might have emanated. The order runs thus: ".....they have therefore decided to impose prècensorship on all news and comments criticising the activities of the police force in Bengal." Then a sub-clause is added regarding the nature of the scrutiny. The scope of the scrutiny has been narrowed down. It has been said that fair criticism of the conduct of the police force without exciting or attempting to excite hatred, contempt or disaffection against the force would be permitted by the censor. Now, suppose if there has been an instance of brutal atrocity committed by any member of the police force irrespective of the question whether he is a Hindu, European or a Muslim, and if that fact is to be reported, the censor would say that an act of brutal atrocity of the Police officer would not be an act of brutal atrocity and it would not excite the hatred or contempt or disaffection of the police? So practically it means suppression of all heinous act on the part of the police. It means that the press will not be allowed to publish anything against police and only publish things which would eulogise the police. So it practically means suppression of facts. I can only say as a warning to the administration that if they adopt such a fascist method, wild reports and wild rumours will get abroad and they will be more dangerous than authentic reports. I would appeal to the administration not to create an explosive situation in the country. The mind of the people is extremely explosive and can burst at the slightest provocation. I again say that do not play with explosive situation. Do not forget the lessons of history. Do not think that by muzzling the press you can muzzle reports which will get abroad with a good deal of colouring in it. The natural result of that is explosion and explosion can wipe out a Ministry like this.

Now, this gagging order is confined to the conduct of the police force. I agree with my honourable friend Mr. Badrudduja that abnormal situation requires abnormal order, but at the same time it is to be remembered what would be the effect of the order, what would be the object, what is the objective aimed at by this order. Would it really allay the situation? I say it won't. It will aggravate and accelerate the situation. The police is the guardian of law and order, police is an important factor of the executive. They are to protect the people. They are for the protection of the rights and liberties of the people. If any act of them or if any member or members of that force instead of protecting the rights of the people violates the elementary rights of the people they must be suppressed. It would be the duty of the State to see that there is ventilation of the news. It may be said that we can lodge a complaint. I would say it would be an absolute mockery. The public can get no redress in this way. It is the duty of the State to get full information of what is happening in the country. Police is the eye of the State. We want to screen that eye. Do not think that by shutting the eye you can avoid the facts. Do not think that by shutting the eye you can avoid facing the reality. As to the police conduct, it is a very unfortunate order. Even in any abnormal situation full liberty ought to be given to the press. As to the tradition of the police in this country, unfortunately it is not a very happy one and still the police ought to be there as the protector of the rights and liberties of the people. So, as the people have not got any confidence in

the action of the police it is the duty of the State to give freedom to the press to report their conduct. Even exaggerated reports in some cases will not be so harmful as the absolute suppression of news. Of course, as I have already said there is a pretence of scrutiny. But what is the worth of the scrutiny. Everybody knows it. So we must look squarely at the matter. Is it for the good of the State; is it for the good of the people of the country that there must be a complete muzzling of all reports about the activities of the police? I should rather think that some latitude ought to be given so that there may be the full reports about the conduct of the police. And if there is any malicious report then the newspaper can be caught hold of and punished for it. Exaggerations ought to be condoned in this abnormal situation in the country The State should not be too sensitive about the exaggerations. There is a very fine remark in the reason given for this order that will undermine the morale of the police It is very difficult to understand the morale, what the State means by this "morale of the police" And to keep up the morale does the State mean to give unbridled licence to the police to act as they like. If that is really the object aimed at then we can only say good-by to all ethics of civilized Government in Bengal. It is not a matter which really requires any further elucidation. The matter is a very simple one whether or not the press happens to be the only medium in the modern age for the ventilation of the grievances of the people, the press which in the modern age is almost a limb of the administration. No State can exist now in the modern world without the help of the press. The press is practically speaking a part of the administration, and muzzling of that important limb of the administration and muzzling to do what, muzzling it to suppress the wrongful acts and the misconduct of an important branch of the executive, namely, of the police—is not reasonable. So I would say that this resolution should be accepted.

**Mr. NAGENDRA NATH MAHALANOBISH:** Mr President, Sir, I support the motion that has been moved by my learned friend Mr. Nahar. Before I deal with the subject-matter of the motion I would, with your permission, say a word in reply to the observation of my honourable friend Mr Hamidul Huq Chowdhury regarding the duties of the Opposition with respect to adjournments. If the Government by their acts of omission create situations in which the Opposition are forced to bring in adjournments with a view to draw the attention of the House, I think, however frequent it may be, no honourable member has any right to challenge the Opposition's unquestionable privilege to move adjournments. I therefore submit, Sir, that the honourable member Mr Hamidul Huq Chowdhury was not justified in offering the criticisms that he did with respect to these adjournments. I congratulate my honourable friend Mr. Morgan for his verbal opposition to the motion whereas, if I understood him aright, he actually supported the adjournment because he gave all the reasons which should be given in a case like this and said that if this pre-censorship was rightly made or carried out in the proper spirit there may not be any objection. But as everybody knows, in a case of this nature, when the idea of the Government is to muzzle the press and when the officer who is going to act as the censor in this matter is likely to imbibe the ideas of the particular Government in power now there is hardly any room for expecting that he would be so impartial as Mr. Morgan expects him to be. Now, Sir, it is the fundamental right of every citizen to ventilate his grievances to the public through the press. We are certainly passing through abnormal times and there have been cases where innocent people have been molested by the police. There have been cases in Calcutta which have already been brought to the notice of the authorities but the result, the gagging order shields not only the Calcutta Police but it covers the entire police in Bengal. We have been noticing failures

of police administration in Bengal in places like Noakhali and Tippera where the communal minded police were not, it was alleged, attending to the complaints made by the oppressed community. There may be truth in that allegation or those allegations may be exaggerated but it cannot be suggested that all these are absolutely untrue and unfounded. There may be cases where actually innocent people do not find any redress at the hands of the police and they have to resort to the publication of their grievances through the press and that with a view to drawing the attention of Government to them. I do not understand how any Government can possibly think that publication of any news regarding the doings of the police can undermine the morale of the police, or if their doings are brought to the notice of the public for redress. Every employer should be always alert to know how their employees are working, whether his employees are working in the interest of the employer or are doing something which will alienate the minds of the people from their employer. I should therefore consider that the Government in the ordinary course of things should ask for and call for complaints against the police who are now practically the only people who can protect the innocent from the depredations of the *goondas* on the one side and individual members of the police force on the other. And I do not know how any Government can possibly think of muzzling the press the only agency through which they can expect to have information on these matters. I submit that every honourable member of this House should consider this order of the Government as the most oppressive and unfair, especially oppressive against one section of the population because it is only those who are oppressed who do not get any redress by means of ventilating their grievances through the press and by muzzling the press you muzzle them. They are going to be oppressed but they will not have the right even to tell the people at large and the Government also how they are being oppressed. I submit that no Government worth the name should be afraid of criticism against the police and the way in which this Government are trying to suppress all news which the press wants to publish in the interest of the people of the province would go to show that there is some motive behind it. I submit that the remedy that is provided by Government in their order is no remedy at all; it is not even palliative; it is definitely irritating. You just go further back and then consider what is the cause of this unrest in Calcutta and in Bengal. Who has brought on this mischief in this province? It is certainly you who represent the party that rules Bengal to-day, you, who by your direct action started this and let loose the *goondas* whom in the end you are not in a position to control, and failing to control the *goondas* you are now trying to muzzle the press and muzzle the unfortunate citizens who have got none to look after them. I would submit that the elementary right of the public to protest or complain against oppressions by any section of the Government officers should not be taken away in the way in which it has been thought necessary to take it away. The only thing that I would advise to the Hon'ble Chief Minister is that he should take away the power of precensorship and just allow the ordinary press law to function. You cannot expect that you can really suppress news and views merely by muzzling the press. It is always fair and just to rely upon the goodness and fairness of the press and the law is there enough hard and enough penal to punish those who really violate the press law of the country. The press law is enough to punish any particular individual press which is in offence or to one who calumniates the entire police force; or if any thing wrong is done by any journalist who would unnecessarily or unjustifiably abuse the police, the present laws of the country is sufficient to punish him. It is therefore not at all necessary to muzzle the press by a gagging order of precensorship which means not only gagging the press but through it the whole country. So we strongly protest against the policy that has been inaugurated by the Hon'ble Chief Minister in muzzling the press.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Mr. President, Sir, I regret very much that owing to business elsewhere I was unable to be present here at the time when the debate started; but I have had the benefit of the notes that have been made by my esteemed colleague the Finance Minister and I have also heard the speeches certainly of the last two gentlemen which could hardly improve upon the report. Sir, I heard the honourable leader of the Opposition getting lyrical over the liberties of the press and over the importance of the press and in the midst of his enthusiasm he was addressing the press instead of the House and at the same time demonstrating his enthusiasm by shaking his fist towards them. This is typical. As a matter of fact, nobody desires to muzzle the press. But we have to shake our fists on them on occasions when they exceed the bounds of propriety. Sir, I have just returned from Delhi and there I compared notes with some of the leaders of India regarding the manner in which the liberties or the licence of the press is curtailed in the purveying of communal news and it was a general consensus of opinion that nowhere in India has the press so much licence as in Bengal. There was a general consensus of opinion that here we have allowed too much licence to press and have enabled them to carry on vituperative campaign which has brought about the deterioration in the conditions here. Elsewhere the press has co-operated with the Government of the province. They have bound themselves by certain code of conduct in accordance with which they only print Government communiques or press news in a form not calculated to excite hatred against the police or fan communal tension. But over here every body is carrying on a vituperative campaign and so we have to resort to precensorship order. The police have been condemned not one but the entire members of the force. They have been attacked by the press with the result that a feeling of hatred has been aroused against the police with the most disastrous effect to the peace of the province. It has been stated that the ordinary press laws are sufficient. The Government can prosecute and take steps against the persons violating the laws governing the press. But, Sir, this is too late. Mischief has already been done -- poison has already been spread and it has permeated into the different sections of the society that find that they must take steps in order to remedy a fancied accusation against the police. It has been said what does it matter if some reports are exaggerated. It does mater a great deal because these exaggerated reports do give rise to very serious consequences and the last speaker referred to Noakhali incident and stated that might be some of the reports were incorrect; might be that some of the reports were exaggerated. Did the honourable member remember that the feeling that was aroused against the Noakhali incident was due to the report issued by the President of the Bengal Provincial Congress Committee that 5,000 Hindus were butchered in Noakhali and thereafter Muslims were butchered in other provinces as a direct result of the report and the publicity which was given to it in the press? Can anybody deny how mischievous exaggerated reports are when they are not founded on facts? Sir, I think, precensorship order is the least that this Government can put out. It is not gagging the press. The press is permitted to put out news and to comment fairly on police matters but not to put out in such a manner as may excite the public against one or the other section of the police or the police as a whole. If you look at the order you will find that considerable opportunity has been given to the press to put forward news in the proper manner, but that licence has been curtailed. I myself felt that the incidents that took place were very much exaggerated and these have completely satisfied the Government that a deliberate attempt was being made to excite hatred against the police and the result of those attempts and the result of the false publicity which was given to exaggerated reports has been that the police not merely one section but all sections have been subjected not merely to attacks in the press but

to physical attacks and when we say that these false accusations have spoiled the morale of the police that is what we mean. The morale of the police is not impaired if you attack it fairly but that is not the case. Owing to unfair attacks made upon them in the papers physical attacks upon them follow and members of the police have been attacked with knives, with bombs, with acid and even shot at. How can you expect the police to stand up? Why this has been so? It has been so on account of the mischievous propaganda that has been carried on in the papers and this thing has not stopped and the riot is going on. The police have not commited any atrocities. To say so is absolutely wrong. It is the extraordinarily irresponsible statements which have been responsible for all this and which are repeated by presumably irresponsible members of this House. If you like to say that the press has been muzzled probably it is a batter analogy than saying that the press has been gagged. The press is permitted to growl underneath the muzzle but it is not permitted to bite and it is the bite of the press that we have stopped. We are not afraid, Sir, of criticisms against the police; we are not afraid of reports against them and I say definitely that every single case which has been presented before us, every single charge against the police has been investigated in spite of the difficulties of finding officers to do so. We have actually done so because we felt how important it was that the morale of the police should be maintained and that steps should be taken against the offending policemen as soon as possible and that an enquiry should be set afoot as soon as possible for the purpose of giving confidence to the people. Every single case brought against the police has been investigated at the earliest possible opportunity and in most cases the charges have been found not merely to be exaggerated but to be false. We are not afraid of criticisms against the police. Bring the complaints to our notice and I am prepared to say this too that if any honourable member brings these complaints to our notice I shall be prepared to show to the honourable member the results of the police investigation so that he too may have a chance of commenting on the investigation and even of placing before me such other evidence on the matter if he is not satisfied with the investigation made by the police. That is an offer which I make but I will not allow false and exaggerated statement to come up in the papers which will be accepted as true by the public. It is an extraordinary mentality of the public that any statement made by anybody against the police is accepted as gospel truth. In the papers you will find that someone has been assaulted by the police or that some money has been taken away from his person and everybody reading the papers will presume that it must be so and then retaliation is the result. It is these false stories that have got to be stopped by this precensorship of news because the mischief of so doing cannot possibly be countered in time by any other means. One honourable gentleman well known for his unbridled attacks on the Government and his total want of logic has stated that the Punjabi Muslims cannot be useful because they do not understand the local language. I am sure that these Punjabi Muslims understand the local language far more than the Gurka police do, but that is not the criticism that is directed against those policemen. I may tell him definitely that there is no difference between these two kinds of policemen. Sir, attempts have been definitely made by certain politicians or political organisations to set one set of policemen against another and the result has been, as I have stated, that it has permeated even to the people who now consider that one set of police is inimical to the other, and *vice versa*. But thanks Heaven, owing to the action that we have taken against the press I believe that the two sections of the police are coming much closer together and have established a degree of friendliness which will I am sure be extremely beneficial to the people of the country; it is what we are working for. Members, though not happily members on this side, have, as I have stated, tried to antagonise one section of the police against another. But

we shall be able to counter this mischievous move and I may assure my friends that the time is soon coming when we shall have all sections of the police fraternise with one another, so that they will not be able to distinguish one from the other in their conduct towards the public. I would here like to repeat a statement which I made in another place. It is a statement of policy. We have had to bring some Muslim police into this province from elsewhere in order to mitigate the disparity that existed in the armed police force. I repeat this because I was surprised to find that even the pressmen and the very wise and alert pressmen of Delhi were not aware that in the Calcutta police there were as many as 1,260 or so men in the armed police against 64 Muslim armed police only, and there was a general desire among all sections in this House that in all sections of the administration there should be an attempt made to achieve parity between the Hindus and Mussalmans, and we have had to do so. We have had to bring them from outside because we have not been able to find trained Bengalees for the purpose. Why? Because we have not been able to find trained Bengalis. some gentlemen asked why Punjabi Police Force have been brought. They have been brought because they have been found well-trained and well disciplined (interruption from the Opposition Benches) and more than that they have raised the prestige of the police in the eyes of the world. They know how to behave: they have shown what should be the standard of the police (interruption) until of course people attacked them. I am not here for the purpose of telling you stories and instances of how the Punjabi police have acted all this time in spite of the physical attacks made upon them by the people. But if any responsible member who would like to hear about them I shall be glad to recount them on the understanding of course that he will not repeat them to any one. Because I know how they behaved I do pay tribute to their strain and fiery character who have been brought here for the purpose of peace in Calcutta, and I may say that on account of the presence of these Punjabi Police in Calcutta the situation has not deteriorated (interruption) otherwise the situation might have deteriorated and we might have recrudescence of riots. As I have said, the situation has not deteriorated on account of the presence of the Punjabi Police and on account of the confidence which they generally inspired. These are the reasons why Punjabi Police Force are here. Now, Sir, the statement which I wish to make is a question of policy. We have had to bring these people from outside. But it is certainly very humiliating to find that we cannot look after ourselves and there are not enough armed Bengalees to look after our interest. We have taken steps to recruit Bengalees right from the bottom and I would request honourable members of all sides, not merely the members of the opposition, to give me five outstanding Bengalis, Hindus and Muslims, whom we are going to recruit into the armed force in Calcutta. I am sure there are fine people physically fit who will be able to render signal service and I would like to have as many of them as possible. Within a short time you will see recruitment of Bengalees in the armed forces has started. As soon as we have sufficient Bengali armed force, we shall be only too glad to dispense with the services of those non-Bengalees who have been brought from outside and who have rendered fine service here. So I hope that the honourable members instead of condemning the action of Government will congratulate them on the steps that they have taken. As a matter of fact, I have had to bear the brunt of criticism because I hesitated to impose the precensorship order for a long time and I did so because I do not desire to muzzle the press, because I do not desire to stop the press, because I do not desire to hinder the press in its legitimate activities. But the time did come when it was necessary to put a check to the activities of the press. The press attacked the police force. Sir, as soon as the situation eases, as soon as all these riots and lawlessness, which are going on come to an end, as soon as we see the temper of the people have cooled down and they are able to look

at things from the proper perspectives, as soon as we find persons are prepared to co-operate with the Government in keeping down lawlessness and eradicate that spirit of hostility this Government (Mr. Lalit Chandra Das We want regional Government) will remove the order. We want to suppress the lawlessness and disorders and hostilities that are going on amongst the people. We want to eradicate them.

**Mr. HARIDAS MAZUMDAR:** You have not given effect to the peace-committee suggestions.

**Mr. BIJOY SINGH NAHAR:** Sir, the Chief Minister has already spoken for more than 25 minutes.

**Mr. PRESIDENT:** It is my duty to see that.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Now, Sir, unless the press behave properly and not only the press but also the public, we are not going to withdraw this order. We are not at all anxious to continue the order a minute more than it is necessary.

**Mr. PRESIDENT:** Mr. Nahar, do you propose to exercise your right of reply?

**Mr. BIJOY SINGH NAHAR:** No, Sir.

**Mr. PRESIDENT:** The question before the House is that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation created by the decision of the Government of Bengal to impose precensorship on all news and comments criticising the activities of the police force in this province, as announced in a Government Press Note issued on the 21st April, 1947.

The question was put to a division a with the following result:—

**AYES—15.**

Mr. Lalit Chandra Das
Mr. Hemendra Kumar Das
Mr. Bankim Chandra Dutta
Mr. Kamini Kumar Dutta
Mr. Satish Chandra Jana
Rai Bahadur Brojendra Mohan Maitra
Mr. Haridas Majumdar
Mr. Nagendra Nath Mohalanabish
Mr. Bijoy Singh Nahar
Rai Bahadur Jogendra Nath Ray
Mr. Biswanath Roy
Mr. Patiram Roy
Mr. Birendra Kishore Roy Chowdhury
Mr. Charu Chandra Sanyal
Mr. Satish Chandra Sen

**NOES—29.**

Mr. Nur Ahmed
Mr. Syed Badrudduja
Rai Bahadur Dhirendra Lal Barua
Mr. Reajuddin Bhuiya
Mr. Moazzem Hossein Chowdhury
Mr. Hamidul Huq Chowdhury
Khan Bahadur Abdul Latif Chowdhury
Mr. Syed Fazle Rabbi Chowdhury
Mr. Yusuf Ali Chowdhury
Mr. C. E. Clarke
Mr. D. J. Cohen, O.B.E.
Mrs. Labanyaprobha Dutt
Khan Bahadur A. M. Shahoodul Haque
Mr. G. I. K. Hook
The Hon'ble Mr. Saiyed Muazzamuddin Hosain
Alhaj Yar Ali Khan
Khan Sahib Mobarak Ali Khan
Mr. Abdul Latiff
Mr. Syed Abdul Majid
Mr. George Morgan
Khan Bahadur Ghyasuddin Pathan
Khan Bahadur Mukhlesur Rahman
Mr. Abdul Rashid
Mr. Amulyadhone Roy
Miss Ethel Robertson
Dr. Kasiruddin Talukdar
Mr Md. Taufiq
Khan Sahib Moulvi Wahiduzzaman
Haji Md. Yusuf

The Ayes being 15 and the Noes 29 the motion was lost.

**Mr. PRESIDENT:** The House stands adjourned till 1-30 p.m. to-morrow.

## Adjournment.

The Council then adjourned till 1-30 p.m. on Wednesday, the 30th April, 1947.

**Members absent.**

The following members were absent from the meeting held on the 29th April, 1947:—

1. Dr. Kumud Sankar Ray,
2. Mr. Sultanuddin Ahmed,
3. Mr. L. P. S. Bourne,
4. Khan Bahadur Syed Abdur Rashid Chowdhury,
5. Mr. Abdul Hamid Chowdhury,
6. Mr. Eric Dermot Doyne,
7. Khan Bahadur Sheikh Fazal Ellahi,
8. Mr. Mungturam Jaipuria,
9. Alhadj Khan Bahadur Shaikh Mahammed Jan,
10. Mr. Humayun Z. A. Kabir,
11. The Hon'ble Mr. Tarak Nath Mukerjea and
12. A. McLaren.

WBGP-48/9-1084A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947—No. 35.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 30th April, 1947, at 1-30 p.m., being the 35th day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTIONS AND ANSWERS

### Ban on "Desher Katha".

**109. Mr. HARIDAS MAZUMDAR:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) if the ban on the book "Desher Katha," by late Pandit Sakharam Gonesh Deuskar is proposed to be removed without delay; and

(b) if not, why not?

**Mr. ABDUL RASHID, Parliamentary Secretary (on behalf of the Minister in charge of Home Department):** (a) The ban was lifted by Government Notification No. 338-Pr., dated the 17th March, 1947.

(b) Does not arise.

### Improvement of agriculture.

**111. Khan Sahib MOBARAK ALI KHAN:** (a) Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state whether the Government are considering any scheme for improvement of agriculture and pecuniary conditions of agriculurists including bargadars?

(b) If so, what is that and how many years will be necessary to carry out the scheme in its entirety?

(c) Are the Government going to introduce scientific method of cultivation in this country?

(d) If so, when?

(e) If not, why not?

**MINISTER IN CHARGE of the DEPARTMENT of AGRICULTURE, FORESTS and Fisheries (the Hon'ble Mr. Ahmed Hossain):** (a) Yes; a number of schemes have been formulated for the improvement of agriculture. These are bound to improve the condition of the agriculturists of Bengal.

(b) The honourable member is referred to the schemes contained in the Bengal Plan for Post-War Reconstruction, a copy of which is placed on the Library Table.

The plan aims at executing the schemes in the next five years but it is not possible to fix any time limit by which development in its entirety can be effected.

(c) Yes.

(*d*) The honourable member is referred to the reply to part (*b*) of the question.

(*e*) Does not arise.

**Mr. PRESIDENT:** Questions over.

## Adjournment Motions.

**Mr. HARIDAS MAJUMDAR:** I have an adjournment motion standing in my name, Sir.

**Mr. PRESIDENT:** An adjournment motion stands in your name—you mean about the durwan? But what are the special circumstances about it?

**Mr. HARIDAS MAJUMDAR:** Sir, a respectable eye-witness has informed me about this case——

**Mr. PRESIDENT:** I am very sorry. I have considered the matter. Will you please take your seat, Mr. Majumdar?

**Mr. HARIDAS MAJUMDAR:** All right, Sir.

**Mr. PRESIDENT:** These incidents however unfortunate have become common and if the business of the House has to be adjourned for considering these matters then everyday we shall have to adojourn the business of the House and go on considering these incidents.

**Mr. HARIDAS MAJUMDAR:** Sir, it is very difficult to get a good case. It is a very important matter and a respectable eye-witness——.

**Mr. PRESIDENT:** I am very sorry. Eye-witness or no eye-witness. I cannot consider this as a matter of urgent public importance in the sense that the business of this House should be suspended, because unfortunately such incidents are very common nowadays. Since August last there have been innumerable such incidents and I think there is nothing special in your motion for which it should be admitted.

**Mr. HARIDAS MAJUMDAR:** Everyday murders are being committed before our very eyes: then what is the legislature for, if we cannot draw the attention of Government to that?

**Mr. PRESIDENT:** I am sorry I cannot go on discussing this point with you. But you realise that nobody regrets these incidents more than myself. I regret it as much as you do or as much as any other honest citizen in this country does.

**Mr. HARIDAS MAJUMDAR:** May I ask for a statement with regard to this case as to what steps the Government have taken or propose to take?

**Mr. PRESIDENT:** What is the opinion of the Hon'ble Minister?

**The Hon'ble Mr. FAZLUR RAHMAN:** If short a-notice question is put Government will be prepared to answer.

**Mr. PRESIDENT:** He suggests that if you put a short notice question, Government will give a reply. What do you say, Mr. Majumdar?

**Mr. HARIDAS MAJUMDAR:** All right, Sir.

**Mr. LALIT CHANDRA DAS:** Sir, I have an adjournment motion.

**Mr. PRESIDENT:** Yes. What is the urgency of the matter and why do you put this adjournment motion? You may state your case shortly.

**Mr. LALIT CHANDRA DAS:** There are two adjournment motions in my name. I would like to take the first one regarding curfew order in South Calcutta. Shall I make a statement?

**Mr. PRESIDENT:** Yes, make a short statement.

**Mr. LALIT CHANDRA DAS:** Sir, my motion runs thus: this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the sudden imposition of the curfew order on certain areas in the South Calcutta without proper justification whatsoever causing great inconvenience and injury to the pubilc, trade and commerce from 3 a.m. on the 24th April till 6 a.m. on the 25th instant when even children had to go without milk and many had to fast.

This curfew order has given South Calcutta a bad name. As a matter of fact since the present disturbance started about a month ago, there has been no incident in South Calcutta. As a matter of fact South Calcutta is the only portion of Calcutta which has retained the reputation of good conduct. There is no justification why suddenly there should be a curfew order entailing great inconvenience to the people living there. The trouble for the Government is that the *hartal* was a tremendous success and that *hartal* was over the activities of the police. The public resented the activities of the police and voluntarily public was observing the *hartal*. There was a large number of people passing by the footpath and that always happens in a great city like Calcutta. They were very peaceful and were not doing any injury to any one. That was what we saw in South Calcutta. But near my house a portion was curfewed from Jagu Babu Bazar and up to Elgin Road, it was bounded on the western side by Harish Mukherji Road, on the east by Ganga Prosad Mukherji Road. There was absolutely no justification for curfewing this area as there was no incident and the people there were peaceful. Another portion which was curfewed was bounded by Sadananda Road on the west and by Russa Road, the east by Rash Behari Avenue on the south and by Hazra Park on the north. The curfew order was passed very carelessly in that it did not give the proper boundary. They mentioned about the Judges Court Road in place of Hazra Road, but the Judges Court Road is in Alipore. Hazra Road should be in the north. They also gave wrong boundary, namely, portion of the Ramesh Mitter Road as on the south. It left out the name of a portion of Kalighat Road. The result of mistakes was that many people were arrested and taken to thana. As a result of this curfew, the public suffered great inconvenience without any reason—the children were without any food or milk and the whole business of the South Calcutta was strangled.

**Mr. PRESIDENT:** That will do, Mr. Das. Will Government give their views?

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, the effect of this curfew order is over. So it is for consideration whether this adjournment motion is admissible. I am not saying that. I only say that there is no urgency now. I would see that—I am not quite sure of the facts—the curfew order is announced in such a way that there may not be any grievance.

**Mr. PRESIDENT:** How is it announced?

**The Hon'ble Mr. FAZLUR RAHMAN:** It is announced by publicity van, through papers and through radio.

**Mr. BIJOY SINGH NAHAR:** Sir, the Hon'ble Minister is referring to the third adjournment motion and we are discussing the first one. He has not read the proper one under discussion. It is on the curfew order itself.

**Mr. PRESIDENT:** Now, what about this adjournment motion?

**The Hon'ble Mr. FAZLUR RAHMAN:** With regard to the curfe order itself, as the subject matter cannot come under discussion, I do nc think the adjournment motion can be discussed. Moreover, this is not th first occasion that the curfew order has been passed.

**Mr. PRESIDENT:** Mr. Das, when was the curfew order actually passe or announced?

**Mr. LALIT CHANDRA DAS:** At 10 p.m. at night on the 23rd. Th people did not know that there was curfew and the people could not kno what was coming. They could not do any shopping.

**Mr. PRESIDENT:** In that case why did you not give notice on th 25th?

**Mr. LALIT CHANDRA DAS:** I did it. (Mr. HARIDAS MAJUMDAR Yes, Sir, he did it.)

**Mr. PRESIDENT:** Mr. Majumdar, Mr. Das is there to answer to m question whether he did it or not. At what time?

**Mr. LALIT CHANDRA DAS:** At about 1 p.m.

**Mr. PRESIDENT:** Before three hours of the sitting?

**Mr. LALIT CHANDRA DAS:** Immediately before we sat.

**Mr. PRESIDENT:** Was it according to rules?

**Mr. LALIT CHANDRA DAS:** If the adjournment motion was to b taken up on that day then three hours' time is necessary.

**Mr. PRESIDENT:** Mr. Das, when you did actually give notice?

**Mr. LALIT CHANDRA DAS:** I gave notice after reaching here-about half-an-hour before our sitting on that day.

**Mr. PRESIDENT:** In that case you missed your chance. Accordin to our rules you should have given notice three hours before the meeting o the 25th.

**Mr. LALIT CHANDRA DAS:** If it had to be taken up on that day But it was for the next day or if the motion is taken up the next day w can give notice any time before the meeting. That is our custom, o practice or rule. I can give you several cases when even if the notice wa not given three hours before the sitting the motion was admitted an discussed.

**Mr. PRESIDENT:** I am told by the Secretary that the usual practic is to give notice according to the rule (rule 100) three hours before th meeting of the House, and on that day, that is on Friday the 25th th House met at 2-15 p.m.—not at 1-30 p.m. as on other days but later tha usual—and you should have given three hours' notice before the meetin hour but you did not.

**Mr. LALIT CHANDRA DAS:** Please give me a hearing, Sir. If had given it three hours before the meeting of the Council on that da my motion would have come up for consideration of its admissibility b you that very day. Because I could not give three hours' notice I misse the chance on Friday. But surely it could be taken up on the next sittin day.

**Mr. PRESIDENT:** That will be interpreting the thing in a differen way from the practice of the House because the present practice is—an that is strictly enforced—that there should be at least three hours' notic before the sitting of the House.

**Mr. LALIT CHANDRA DAS:** I have not yet finished, Sir. I say this, Sir, that it will be giving a very bad precedent if a ruling is given today to the effect that if three hours' notice is not given an adjournment motion cannot at all be taken up. I cannot quote instances offhand but I think, Sir, that there is record to show several instances where adjournment motions presented on a day were taken up the next day. There is another thing, a very important thing which should be considered in this connection. We are passing through very troublous times. Did the Government send us the truck that day in time so that I could have presented this adjournment motion 3 hours before the sitting of the Council on Friday? The riot is going on and there is the conveyance trouble. (Laughter from the Government Benches.) Your Government is conducting the administration in such a way that the riot has not yet subsided and you should all hang down your heads in shame instead of laughing. On the 25th also there was the riot going on; people were being killed; stabbings were going on and all atrocities were continuing with all the attendant inconveniences to the public. That we could manage to attend the sittings in spite of the turmoil in the city should go in favour of waiving the 3-hour notice for adjournment motions, I mean in respect of my adjournment motion put in on Friday.

**Mr. PRESIDENT:** Order, order, Mr. Das, you must finish. You are expected to make a brief statement only in support of your motion.

**Mr. LALIT CHANDRA DAS:** That statement I have made. You have raised a point affecting the privileges of members of this House and this will apply every time in future, namely, that there should be 3 hours' notice for an adjournment motion. What I want to say in reply to that point is that extraordinary circumstances prevented us from coming 3 hours earlier.

**Mr. PRESIDENT:** Well, Mr. Das, I cannot help it; I have to go strictly according to the rule. Apart from that what is the subject-matter of this adjournment motion. You are questioning the right of Government to declare curfew in Bhawanipore but this is a right conferred on the Government by a statute and in exercise of that statutory right Government have taken the steps. So I do not think I can allow this motion.

**Mr. LALIT CHANDRA DAS:** I have got another point to place before you Sir, and I would like to have your enlightenment.

**Mr. PRESIDENT:** What is your point?

**Mr. LALIT CHANDRA DAS:** What is the motion? The motion is about the sudden imposition of the curfew. I am surely not going to question the right of the Government to impose a curfew but even when a curfew order is imposed we are entitled to protest against the abuse of the power of the Government in imposing the curfew. All that my adjournment motion seeks to do is to censure the sudden imposition——

**Mr. PRESIDENT:** Mr. Das, curfew orders must be imposed very suddenly in the present circumstances.

**Mr. LALIT CHANDRA DAS:** Will you kindly allow me to have my say?

**Mr. PRESIDENT:** I am very patiently listening to you, Mr. Das.

**Mr. LALIT CHANDRA DAS:** What I say is this: I do not question the right of the Government to impose any curfew; that is altogether wrong and very often curfew orders have been imposed by Government in different parts of Calcutta and that has never been questioned by us and from that circumstance you can certainly understand our conduct that we are not questioning the right of the Government [illegible]

protest against is the abuse of this power of the Government to impose a curfew. All that I do say is that this sudden imposition of the curfew in South Calcutta was absolutely unjustified. It was suddenly done and for this we want to discuss this matter in the House. Therefore I want to make the question absolutely clear. Have you heard of any adjournment motion being moved, Sir, simply becaues a curfew order was being imposed? For the peace and tranquillity of the city the Government have a right to impose a curfew; we have never challenged or questioned that right. But equally we have also the right to protest against the abuse of that power. It was the abuse of that power by the Government in suddenly imposing the curfew in South Calcutta which was absolutely quiet from the 24th March till then. This has given a bad name to South Calcutta for nothing. Therefore, when the Government is abusing its power we are entitled to protest against such abuse.

**Mr. PRESIDENT:** Have you finished?

**Mr. LALIT CHANDRA DAS:** Yes.

Mr. Haridas Majumdar rose——

**Mr. PRESIDENT:** No, you cannot rise at this stage, Mr. Majumdar.

**Mr. HAMIDUL HUQ CHOWDHURY:** Sir, may I say something on this matter?

**Mr. PRESIDENT:** No, I am not going to listen to you. But are you rising on a point of order because if you raise a point of order I am prepared to hear you.

**Mr. HAMIDUL HUQ CHOWDHURY:** No, Sir; but on the present point regarding the admissibility of the adjournment motion.

**Mr. PRESIDENT:** No. I am going to hear the views of Government only.

**Mr. HAMIDUL HUQ CHOWDHURY:** But I am equally interested in the business of the House as a private member.

**Mr. PRESIDENT:** Only the mover of the adjournment motion is expected to make a short statement and the Government too can make a short statement in support of or in opposition to the motion.

**Mr. HAMIDUL HUQ CHOWDHURY:** Could I not say or submit anything as to the motion being not in order according to the rules?

**Mr. PRESIDENT:** If the Chair allows, then certainly you can.

**Mr. HAMIDUL HUQ CHOWDHURY:** Then may I have your permission?

**Mr. PRESIDENT:** Very well, go on. In that case Mr. Majumdar, you can speak also.

**Mr. HAMIDUL HUQ CHOWDHURY:** The chair should not give Mr. Majumdar the right to speak simply because that right has been conceded to me also.

**Mr. PRESIDENT:** If you can address the House, then others also can.

**Mr. HAMIDUL HUQ CHOWDHURY:** But, Sir, you have always allowed members to speak on the admissibility or irregularity of motions. What I am going to say is that my friend Mr. Das has in the garb of an explanation raised the merits of the question. So far as an adjournment motion is concerned, it is a well-recognised principle that recurring incidents are never considered to be urgent. The word "urgency" is always

interpreted as having always occurred for the first time and that can be discussed when the House meets. Therefore, the imposition of a curfew order which has been recurring in Bhowanipore can never be the subject of an adjournment motion because it lacks the first qualification, namely, that it is not an urgent matter of public importance. Secondly, as my learned friend has pointed out he has no grouse or grievance so long as people who belong to the other camp are punished but it matters very much if others are punished. Therefore, the motion is out of order from all points of view.

**Mr. PRESIDENT:** Yes, Mr. Majumdar.

**Mr. HARIDAS MAJUMDAR:** My point is that it is an urgent matter in this way: that 25 hours or 35 hours curfew are being imposed without any interval, so that milk for children may be obtained or doctors' advice may be obtained. In other provinces where curfews are imposed of such long duration some hours are also allowed by the authorities to enable the people affected to obtain their food in the locality. Here you see the policy of the Government is very bad and as regards the areas given it is very confusing and ignorant people going into those areas were taken into police vans and were fined *en masse*. That is the reason why this matter should be discussed in an adjournment motion—because, Sir, it is very urgent. It is the result of the guidance of an unreasonable Government. So this must be thrashed out. I do not say that there should be no curfew order; but I do say that reasonable time should be allowed to the people of the locality where 24 hours or 35 hours or 59 hours of curfew is imposed. So it should not be treated lightly.

**Mr. NAGENDRA NATH MAHALANOBISH:** Sir, there are two questions involved which should be considered when you are going to give us your consent to the adjournment motion. My friend Mr. Hamidul Huq Chowdhury has said that if it is a recurring incident it cannot be argued. My submission is that recurring events or not, any particular event which might have taken place under certain circumstances, may be urgent in the sense that that event happened at the instance of Government and under circumstances which had no justification for the issue of a curfew order in that particular area. The honourable member has tried to bring up this motion before this House on two main grounds. The first is that there was absolutely no incident in that area and nothing happened in that part of the locality to justify the issue of any curfew. The second point is that it was passed suddenly at certain hours of the night when the ordinary people or most of the people could have absoultely no information about the curfew order and they cannot aprise themselves of the order——

**The Hon'ble Mr. FAZLUR RAHMAN:** On a point of order, Sir. I find that Mr. Mahalanobish in making a statement is really going into the merits of the case which I submit he cannot do. The point that is before the House is whether this adjournment motion is in order or not, whether you should allow it or not, whether it is urgent, whether it is of public importance. These are the only points on which the discussion should be based——

**Mr. BIJOY SINGH NAHAR:** It is not a point of order.

**The Hon'ble Mr. FAZLUR RAHMAN:** You are not to say whether it is point of order or not. The Chair is there.

**Mr. PRESIDENT:** Mr. Mahalanobish, I do not think you can go into the merits of the case.

**Mr. NAGENDRA NATH MAHALANOBISH:** Not at all, Sir, I only said that there are two points for consideration. First of all as the mover has said there was no justification for the curfew order and the second——

**Mr. PRESIDENT:** It is really going into the merits of the case. So I think you should avoid it.

**Mr. NAGENDRA NATH MAHALANOBISH:** Sir, regarding the question of the urgency of the matter and of public importance the mover of the motion has already said that there was abuse of the power and there was no justification of the order. Under the circumstances you may in your discretion allow the adjournment motion. These are the points which I am placing before the House and I am not discussing anything else. I am only placing these two points. The urgency of the matter should be seen and also whether there is proper justification for the imposition of this order. So, it would be for the Hon'ble President after hearing the Government spokesman on this subject—whether these three points have been satisfied, namely, whether it is of public importance, whether there was proper justification and whether it was urgent or not. I submit, Sir, that the mover has satisfied the House that this motion conforms to the rules and therefore it is admissible.

**Mr. PRESIDENT:** Yes, Mr. Sen.

**Mr. SATISH CHANDRA SEN:** Sir, the points to be discussed and decided upon are (1) whether the motion satisfies the condition of paragraph 97—whether this matter to be discussed is of urgent public importance. About this point it has been amply shown that it is of urgent public importance. Now, about the time for giving notice, I find under section 10 it is stated that the notice should be handed over to the Secretary at least three hours before the sitting of the Council, so that the mover may take the Chair's permission to move the motion. If the required space of time is not there, the motion cannot be moved on that day, and it might be said that the provision has not been complied with. The provision of time is there only to enable the President to consider the matter. So, if the motion is not taken up the same day, I think full three hours' time may not be necessary. It transpires also that on the 25th it could not be taken up. So, how can it transgress the time-provision? If a restrictive order is put on like this, a very valuable privilege of the House will be curtailed. I think, Sir, you should treat this matter more liberally.

**Mr. PRESIDENT:** Order, order. I think the matter has been sufficiently discussed. It involves two points. First of all, whether the matter is urgent and whether the notice was given in time. Now, as regards the notice, I am inclined to think that the notice was not given in time. The notice should have been given three hours before the meeting on the 25th. As the honourable mover considered the matter to be urgent, he should have taken the earliest opportunity to ask for permission by putting in the notice. That he did not. We had a meeting on the 25th and so far I remember there was no adjournment motion pending before the House on that date; we discussed non-official resolutions on the 25th. So if the honourable member had given notice in time the question of admissibility of this motion could have been taken up on the 25th immediately after the Question Hour. But he did not comply with the provisions of Rule 100.

(Mr. Bijoy Singh Nahar got up to say something.)

**Mr. PRESIDENT:** Order, order, the Chair is now addressing the House and the discussion has been finished.

Then arises the question, "the sudden imposition of the curfew order on certain areas in South Calcutta without any proper justification." Now the expression "without any proper justification" cannot be taken into account in considering the admissibility of the motion because that will be really going into the merits of the case. It is not open to the members to

go into that point and it is not the function of the Chair either to go into that point. Now here Government discharged certain statutory duties—and it is the practice and we have precedents in this House that adjournments are not usually allowed when a question arises out of the Government's discharging their statutory functions in course of the ordinary administration. That is exactly what they have done here. Therefore, I consider this motion out of order. So I do not give my consent and that is my decision.

**Mr. BIJOY SINGH NAHAR:** I have got up not to say anything about the decision given by you but only on a matter of fact. On the 25th instant I moved an adjournment motion and that is the reason why my friend could not move this motion of his. The point is that on the 25th there was an adjournment motion already pending and it is I who moved that adjournment motion.

**Mr. PRESIDENT:** That made no difference whatsoever.

**Mr. LALIT CHANDRA DAS:** But there was an adjournment motion already that day.

**Mr. PRESIDENT:** That makes no difference as regards the admissibility of this motion.

**Mr. LALIT CHANDRA DAS:** I have another adjournment motion on the comment of Mr. Suhrawardy, the Chief Minister of Bengal, regarding the 100, Harrison Road case.

**Mr. PRESIDENT:** Where was that comment made, can you tell me?

**Mr. LALIT CHANDRA DAS:** We came to know of it on the 25th from the newspapers.

**Mr. PRESIDENT:** Where was that comment made?

**Mr. LALIT CHANDRA DAS:** That was made in the Assembly on the Hartal Day, i.e., on the 23rd and the statement was "After my statement on Tuesday in the Council there could be no justification for any public action on the alleged incidents of 100, Harrison Road", etc.

**Mr. PRESIDENT:** Please hear me for a minute. The statement of the Hon'ble Chief Minister which you are referring to was made before the other place and so it was the duty of the other House to take up the matter there if it is so desired. And it is not the practice to discuss matters mentioned in another place on the floor of this House. That is a dangerous practice. I can never encourage that practice. So I would request you——

**Mr. LALIT CHANDRA DAS:** One minute more, Sir, I want to have my say.

**Mr. PRESIDENT:** Please do so.

**Mr. LALIT CHANDRA DAS:** What I do say is this I am not discussing the right of the Chief Minister to make a statement in the Assembly; nothing of the sort. You asked of me where he made that statement to which I said that he made the statement in the Assembly.

**Mr. PRESIDENT:** Will you kindly bear with me one minute? Is your point this that you take exception to a statement made in the Legislative Assembly.

**Mr. LALIT CHANDRA DAS:** No, not with respect to that. I take exception to his statement regarding the 100, Harrison Road, case. Nowhere in my motion have I said that it was made in the Assembly.

**Mr. PRESIDENT:** I must know where the statement was made, so I put the question.

**Mr. LALIT CHANDRA DAS:** From wherever he made the statement the comment was published in the papers. He did the mischief by his comments and the statement was published in the papers and we read it and saw that it was calculated to prejudice the prosecution and help the defence. When my adjournment motion regarding the 100, Harrison Road incident came up before you in this House, as soon as I read out the adjournment motion, the Chief Minister got up and said that the case was *sub-judice* and requested that no member make any comment on the case. Then, Sir, in his statement of the 23rd, he further said that this case was enquired into by high-ranking Government servants who made the enquiry with meticulous care and he said that even if officers of the Crown who have now decided to send up the 100, Harrison Road case to the courts——

**The Hon'ble Mr. FAZLUR RAHMAN:** On a point of order, Sir. I do not think that the submission that Mr. Das is making is relevant to the point to be decided by you now, namely, whether this adjournment is admissible or not. The statement which is being referred to by him was made in the other House; and he has also referred to its publication in the press and if he can refer to the Premier's statement in the Assembly as published in the press, they may have occurred in the headlines. Therefore, as you have rightly observed, Sir, statements made in the other House should not be the subject matter of discussion in this House; otherwise very bad practice would creep in.

**Mr. PRESIDENT:** That is not a new point of order, Mr. Rahman.

**The Hon'ble Mr. FAZLUR RAHMAN:** What I am saying is that it is not relevant to the point of the motion whether the motion is *sub-judice* or not.

**Mr. LALIT CHANDRA DAS:** Sir, I was referring to the conduct of Mr. Suhrawardy in this Council House. As soon as I read out my adjournment motion he stood up and turning towards this side said, "well, you cannot go on with this motion" and why? because Government have decided to send up the case to a court. It had gone to the Government's high ranking officers who had enquired into the case with meticulous care; anyway, these officers of the Crown had decided to send up this case and even if they had decided the matter in any other way, Government themselves had decided that it should be sent up and he requested every one of us to refrain from making any comment on the case so that no party may be prejudiced. Under the circumstances the adjournment motion could not be discussed and had to be dropped. Now, Sir, he himself violates his own contract. He himself laid down a certain contract but he himself again violates it. He makes a statement hereafter in the Assembly and violates his own contract and in doing so makes a very serious statement which is calculated to prejudice the case——

**Mr. PRESIDENT:** Order, order. Mr. Das, you cannot go on discussing the matter at random, because you must answer my direct question. The statement you are referring to was made in the other House: was it or was it not?

**Mr. LALIT CHANDRA DAS:** Yes, it was made in the other House.

**Mr. PRESIDENT:** If it was made in the other House that matter cannot come up in this House and I would request honourable members not to indulge in the practice of discussing here statements made in the other House; it would be a very undesirable practice and this House should stick to its own tradition of not discussing a matter that happened in another place.

Mr. Lalit Chandra Das rose:

**Mr. PRESIDENT:** I am very sorry. I do not think there is anything more to say in this matter. So I do not give my consent.

**Mr. HARIDAS MAJUMDAR:** Sir, there is another motion standing in my name.

**Mr. PRESIDENT:** Yes, Mr. Majumdar.

**Mr. HARIDAS MAJUMDAR:** My motion is as follows: failure of the Government to announce the order of curfew in the Bhowanipore area on the 24th instant in a proper and efficient manner, resulting in the persecution of hundreds of innocent passers-by who were naturally ignorant of the said order.

The curfew was not imposed in a proper and efficient manner. This is a very urgent matter and explains itself.

**Mr. PRESIDENT:** You object to the method of the announcement?

**Mr. HARIDAS MAJUMDAR:** Yes, Sir.

**Mr. PRESIDENT:** May I enquire of the Hon'ble Minister as to how the curfew was announced and whether Government are prepared to see that it is properly announced in future?

**The Hon'ble Mr. FAZLUR RAHMAN:** I shall give it my proper consideration to see how better methods could be adopted for the purpose in future. Then with regard to the question of announcement it is usually announced by publicity vans going round and also by notices in the press.

**Mr. HARIDAS MAJUMDAR:** I think, Sir, it should be done by hooter in each thana.

**The Hon'ble Mr. FAZLUR RAHMAN:** I shall consider it.

**Mr. HARIDAS MAJUMDAR:** In view of the assurance I do not want to press my motion.

### The Bengal Acquisition of Waste Land Bill, 1947.

**Mr. BIJOY SINGH NAHAR:** Sir, with regard to the Bengal Acquisition of Waste Land Bill we want your permission for the extension of time for submission of the new amendments. The Hon'ble Minister could not manage to print them.

**Mr. PRESIDENT:** What is the number of the amendments?

**Mr. BIJOY SINGH NAHAR:** About 10 or so.

**Mr. PRESIDENT:** Have you come to an agreement with the Hon'ble Minister?

**Mr. BIJOY SINGH NAHAR:** Yes.

**The Hon'ble Mr. FAZLUR RAHMAN:** What happened was that Mr. Nahar approached me and I said that I should have no objection provided the number is small——

**Mr. PRESIDENT:** Very well, those amendments are admitted.

### The Bengal Maternity Benefit (Tea Estates) Bill, 1947.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** I beg to introduce the Bengal Maternity Benefit (Tea Estates) Bill, 1947.

In doing so I may state for the information of the House——

**Mr. BIJOY SINGH NAHAR:** Sir, we have not got copies of t Bill.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** The Bill w published in the Gazette. In this connection I may say one or two wor regarding this Bill. This Bill had passed through this Council year befo last but it lapsed before it could be passed by the Assembly as it dissolve It is a short Bill and I think there is no objection to the passage of th Bill. Therefore a date may be fixed for the consideration of the Bill.

**Mr. PRESIDENT:** What date do you suggest?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** One wee There is special circumstances regarding this Bill. It had passed throu the Select Committee of this House and it was also passed clause by clau by this House and after that it was introduced in the House exactly in t same form with this dicerence——

**Mr. PRESIDENT:** May I just enquire whether you want both co sideration and passing of the Bill, because in that case sufficient time w have to be given to the Opposition for amendments. What time you sugges One week will not be sufficient, because the amendments will have to tabulated, printed and circulated. It will take time.

**Mr. BIJOY SINGH NAHAR:** The time should be at least a fortnigh

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** We m agree to 15 days, provided amendments to the clauses of the Bill are al given.

**Mr. PRESIDENT:** So, amendments are to be sent in by 3 p.m. the 15th May. On which date you propose to take up the Bill for co sideration?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** We want take that up on the 15th.

**Mr. PRESIDENT:** If you want that the Bill be taken into consider tion on the 15th, then the office will require time for printing and circulatio etc.

**Mr. BIJOY SINGH NAHAR:** Sir, we want a fortnight's time.

**Mr. PRESIDENT:** Why do you require a fortnight's time? Hc many clauses there are in the Bill?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** 17 clause

**Mr. PRESIDENT:** Only 17 clauses! Then I think we can fix Satu day, the 10th, that is, ten days' time for putting in amendments and fo days for the office; then the motion for consideration may be taken up the 15th.

**Mr. LALIT CHANDRA DAS:** Provided, Sir, we finish the Acquisiti of Waste Land Bill.

**Mr. PRESIDENT:** So long as we do not finish one Bill we cann take up another. So, the Bill will be taken up on the 15th provided tl other business before the House is finished and by Saturday, the 10th, t amendments to the clauses of the Bill may be put in.

Now, the next item is the Bengal Acquisition of Waste Land Bill.

**The Bengal Acquisition of Waste Land Bill, 1947.**

**Mr. BISWANATH ROY:** Sir, some amendments were moved the oth day——

**Mr. PRESIDENT:** I understand that Mr. Biswanath Roy was in possession of the House on Mr. Charu Chandra Sanyal's motion that the Bill be recommitted. Yes, Mr. Biswanath Roy.

**Mr. BISWANATH ROY:** Sir, my arguments for supporting the amendment are very simple. Quite a large number of amendments—as many as 600, according to the Secretary, have been tabled. From this it will be clear that the original draft of the Bill even when revised by the Select Committee is not at all happy. There are suggestions for many changes in the Bill and instead of considering them one by one in the open House, the matter may be referred back to the Select Committee again and thus suggestions contained in the amendments may have a chance of being considered carefully in that place.

Moreover, as the number of amendments is very large, it will take a very long time for their consideration in the open House. The honourable members will speak for and against each of them. But if it is presented before the House after consideration of the suggestions in the amendments now put forth it will not take much time to discuss the Bill in this House.

It may be recalled that at the time of introducing this very Bill in the Lower House a fairly large number of amendments were tabled there and those amendments were of a similar nature. It only shows that substantial changes are essentially necessary in the Bill. These changes cannot be made in the open House. The party mandate to the honourable members of the Government side here stands in the way—scarcely any member finds a scope to exert his free judgment. It is our sad experience that whatever amendment the Opposition will move will be negatived by the Ministerial party by sheer force of a brute majority. The merit, genuineness, honesty of purpose or anything whatsoever in such amendments would be mercilessly thrown out. I, therefore, think the reconsideration of the amendments by the same Select Committee once again will ensure justice and fair-play.

Besides these, when the Bill was considered in the Select Committee first time it was rushed through so very hastily when the members of our party could not attend due to short notice and could not take part in the proceedings of the Committee on the first day. Many clauses were taken up and finished on that day and when in the next day's proceedings the members of our party in the Select Committee wanted to reopen the consideration of those clauses they were not allowed to do so. Let the very same persons have an opportunity to consider them afresh. So if the matter is referred to the same Select Committee it will help everyone to discuss the Bill in a fair and square manner.

**Mr. NAGENDRA NATH MAHALANOBISH:** It is essential that this Bill should be recommitted for further consideration. It is perfectly clear from a simple perusal of the provisions of this Bill that under this Bill it is intended to take over lands from a certain number of people with a view to make them over to certain other people. Now one of the objects that is mentioned in this Bill is that the waste lands, I mean certain classes of waste lands would be taken over for certain public purposes. And public purpose has been defined amongst other things as afforestation of land. With regard to that I submit that the Select Committee did not pay proper attention because there is already an Act which is called the Forest Act and another Act called the Land Acquisition Act both of which can be applied for the purpose of acquiring land for afforestation. Then the next clause is the carrying out of irrigation or drainage schemes. That also, I submit, clearly comes within the purview of the Land Acquisition Act and for that a special Act is not necessary. That aspect of the case, I am afraid, has not been taken into account by the Select Committee. Then comes the provision of sites for the setting up of model villages. That I think is clearly mentioned in the Land Acquisition Act as one of the purposes for which land may be acquired provided the Local Government

issues a notification for the purpose. So, Sir, these three clauses (*a*), (*b*) and (*c*) seem to me to be merely an eyewash and unnecessarily included in the definition of "public purpose" only it seems to give it the colour of acquisition for public purpose. Then, Sir, clause (*d*) seems to be the real object for which this Bill has been introduced, because I am sure my honourable friends opposite and the Hon'ble Minister in charge would not contend that this Bill is necessary for the purpose mentioned in clauses (*a*), (*b*) and (*c*) of clause 4. Now clause (*d*) deals with a very complicated matter and in clause (*d*)(*i*) it is said "in order to provide them with a means of livelihood if they are without such a means of livelihood as a result of discharge from military service, the operation of natural causes or circumstances, such as disturbances of the public tranquillity over which they have no control". Now we know, Sir, and it is perhaps known unfortunately to all of us who live in this country that disturbances of public tranquillity have become the order of the day and that whether those people with whom these lands are going to be settled had or had not any control over those disturbances: it is extremely difficult for anybody to say anything on this with any degree of certainty but Government reserve to themselves the right of saying whether a particular man had or had not any control over those disturbances. But, Sir, whatever that may be, the object seems to me to rob Peter to pay Paul. Therefore the name of the Bill should I think be changed to Rob Peter and Pay Paul Bill. It is not really a honest Bill for acquisition of land by Government really for a public purpose. Therefore the Select Committee should be very careful in considering all these clauses, some of which have been redundantly, unnecessarily and I should say, foolishly, brought into the definition of public purpose with a view to throw dust in the eyes of the Legislature, as if they would be carried away with these objects which Government now applaud as being public purposes. We do know that these are absolutely nothing. They are not necessary because we have already got sufficient legal machinery for enacting the purposes mentioned in clauses (*a*), (*b*) and (*c*) of clause 2(*d*).

Then Sir, there is another matter which also requires further consideration by the Select Committee and that is the clause where there is an indication that they might intend to provide the people with holdings of an economic size if they are petty cultivators, bargadars or landless labourers whose means of livelihood are in the opinion of the Provincial Government insufficient to maintain a reasonable standard of life. Then, it goes on to say in clause 2(4)(*d*)(*iii*) in order to enable such person or persons to carry on large scale farming on a co-operative basis or otherwise by the use of power-driven mechanical appliances:

Now, Sir, take these two clauses together. I do not see why this compulsory acquisition should be resorted to with a view to give some people economic holdings and if the object of provision of power-driven mechanical appliances is the improvement of agriculture, then I submit that that can be easily done by inducing the people to cultivate fallow lands, fallow waste lands wherever available, to go there and settle there as bargadars, or bhagdars or on other terms with persons to whom these lands actually belong. I submit that there is no fool of a landlord or zamindar who would not allow his land to be cultivated if really he could obtain cultivators to cultivate those lands. And if Government is so keen to supply machineries, power-driven machineries for the purpose of co-operative farming on a co-operative basis there is no landlord or landholders I believe who would object to that. On the other hand, every man having some waste land would be very glad to allow that land to be cultivated. So all those are matters which should certainly require the attention of the Select Committee and I am afraid that this aspect of the matter has not been taken into serious consideration by the Select Committee. The next point that would be necessary for the Select Committee to consider would be mainly the question of compensation.

In this Bill the proposal is practically to deprive the people of their lands or perhaps large slices of their land without any compensation at all. With a view to defraud the law—to cheat that law I mean section 299 of the Government of India Act,—they have mentioned a nominal compensation to be paid to the owners of the lands. There is a positive bar under section 299 of the Government of India Act to acquire land without compensation and they want to satisfy that law by saying that they would allow compensation. I would like to ask whether that is a real compliance with the provision of Section 299 of Government of India Act or it is merely an admission to circumvent the law by putting forward a proposal of this nature to the Legislature. I would ask the honourable members to seriously consider whether this law is ostensibly provided to pay a sum as compensation to the landholders who are going to be deprived of their lands practically for nothing. I submit that not literally but essentially it is a law which is being sought to be enacted against the provision of section 299 of the Government of India Act and the Select Committee should be well advised to consider whether or not this is really an attempt to circumvent that law. I submit that in that view the provision with regard to compensation ought to be recast in a proper and equitable manner. Then there is the provision in this Bill by which the acquisition is sought to be made practically on the whims of a Collector who is not really a collector but who should be called Collector because anyboddy—Tom, Dick or Harry—may be notified by the Government as Collector but need not be an I.C.S., or a member of the B.C.S., he need not be a member of the Judicial Service—any man, any friend or anybody whom the Hon'ble Minister might choose to patronise or to nominate may be notified as Collector. I think, Sir, this is a very dangerous proposal for the Government to appoint any man whether he has got any qualification or not, whether he has any judicial experience or not, to act as Collector, because you will find from the provisions of the Bill that very responsible duties have been given to the Collector, for example, to consider whether any land should be or should not be acquired or whether a particular land is really fit for acquisition under this Act or whether it is a reasonable ground to claim exemption under the provision of this Act. Therefore the man who is to be entrusted with the work this Act should be a man of sufficient legal knowledge. This will also have to be considered by the Select Committee when the Bill is recommitted. I will not take the time of the House in discussing other provisions of the Bill which would require much more attention than has hitherto been given by the Select Committee and having regard to the number of amendments it would appear that here are really many serious points for consideration by the Select Committee again. With these words I support the amendment of Mr. Sanyal for recommittal.

**Mr. C. MORGAN:** Mr. President, Sir, I am not in favour of this motion. As a member of the Select Committee, I can say that no useful purpose would be served by sending the Bill back to the Select Committee unless it is sent back with all these amendments embodied in the Bill. Without doing that no useful purpose would be served by simply recommitting the Bill to the Select Committee. Amendments that have been tabled show diverse opinion on this subject and the Bill will remain the same if it is sent to the Select Committee again without embodying the amendments.

**Mr. BIJOY SINGH NAHAR:** Sir, I rise to support the motion moved by Mr. Charu Chandra Sanyal. Mr. Morgan has said that no useful purpose would be served by recommitting the Bill to the Select Committee without the amendments embodied in the Bill. He has also pointed out that simply sending the Bill back to the Select Committee would not serve any useful purpose. Now, if the Hon'ble Minister accepts the point that the Bill should be sent back to the Select Committee together with these amendments, I think this Bill can be improved upon. Various ideas have been given in the different amendments. Further, this Bill is a very

dangerous Bill and we all know how in the newspapers people are opposing the general principles of the Bill. Several important public bodies have expressed their opposition to this Bill. If the Government really mean business they can send the Bill to the Select Committee where the Bill may again be discussed thoroughly on the light of these 700 amendments. In that case the Bill would be passed in this House in short time. Otherwise if all these 700 amendments are to be considered in the open House, it would be sheer waste of time.

**Mr. SATISH CHANDRA SEN:** Sir, I rise to support the motion under consideration. The real position has been amply pointed out by my predecessors that if for no other reason the Bill should be sent back only to consider these large number of amendments which is not possible to discuss here. This is enough reason for recommitting the Bill to the Select Committee. Mr. Morgan has said that diverse opinion has been expressed on these amendments. I am really sorry that the Committee did not perform their duty. From a perusal of the Bill it will be found that there are a number of loopholes which require clarification and redrafting. The Government say that it is urgent matter but, Sir, where is the urgency in this matter. We have another Bill which is practically the same as this. I mean the State Acquisition of Zemindaries Bill. Many provisions of these two Bills are the same. I cannot find any reason unless there is something behind it which we cannot probe into. That is the reason, Sir, why the Opposition is very very apprehensive as to the real motive and that may be the reason why they have brought in all these amendments. So, Sir, considering all these aspects of the thing, if the Government desires that there should be no delay then also for that reason it should go back to the Committee. If the Government thinks that there is a public urgency in this matter even then this Bll need not be hurried as there is the other Bill that is coming; they may wait for that thing, I mean the Bengal State Acquisition and Tenancy Bill that is under discussion in the Assembly and that will be coming up here. So I should think that it is a modest proposition that it should go back to the Committee and reconsidered and after that, if possible, the Bill may be placed before this House in this very session to have it passed as an Act.

**Mr. BIREN ROY:** As a member of the Select Committee which went through the provisions of this Bill I rise to support this amendment. It may be considered that it is rather a contradiction but in the changed circumstances of to-day it should not be so construed because within the last fortnight things have come to such a pass that Bengal may be partitioned and the Hon'ble Minister might be on the other side and therefore this Waste Lands Bill may prove a complete waste of time. The fact is that it is completely a new Bill. That wants to acquire the waste lands in the Burdwan Division as well is highly suspicious. And under whatever regime we may live Burdwan Division will be attached to the Indian Union and therefore, Sir, it is not necessary to waste our time and the time of this Council by proceeding with this Bill. There are various other matters, Sir, which are hanging fire for a long time such as the new tenancy legislation which is now in the Assembly and we can take over such things but a new Bill like this need not be brought forward at all. And not only that, Sir. My friend has already pointed out that there is the State Asquisition and Tenancy Bill that is coming in and therefore in that connection we can consider the aspect whether these lands should be considered as waste lands or not or whether they should be acquired at the cost of the Government according to the value of the land for which we fought, although that value suggested by us has not been accepted. Mr. Morgan will agree with me that we wanted to fix it at about Rs. 50 per bigha and not at Rs. 5 as originally proposed by the Government or at Rs. 10 as decided in the Select Committee. Mr. Morgan and we decided that it should be Rs. 50 per bigha and not Rs. 10

per bigha. Anyway, Sir, the whole Bill will be a waste of time. Not only that, Sir, the Central Government has refused to give this Government any subvention with which to acquire all these things. I therefore advise the Hon'ble Minister-in-charge to agree to this amendment so that we the members of the Select Committee can again sit together and find out if the title of the Bill can be changed into the Bengal Acquisition of East Bengal Waste Lands Bill so that there will be no trouble; we will all agree to it.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, the Opposition and other honourable members have not been able to advance any reason whatsoever for the recommittal of the Bill to the Select Committee in view of the agreed nature of the report of the Select Committee. I am rather surprised at the number of amendments that have been put forward by the Opposition. From a perusal of the amendments I can come to only one conclusion and that is this that at a subsequent stage the Opposition changed their mind and they wanted to delay the passage of the Bill. That can be the only object with which they have put in all these amendments. Sir, if you take the minute of dissent of Mr. B. K. Roy Chowdhury I believe that dissent is also subscribed to by other colleagues of his of the Congress party. He said that in line 2, sub-clause (*iii*) of clause 13 in place of 10, 15 should be substituted. Now, this is the only note of dissent to the report given by the Congress party. Of course, there is another note of dissent but this is by Mr. Morgan, so that is a different matter. Therefore, in view of the agreed nature of the report of the Select Committee these amendments by the Congress party are nothing but delaying tactics. Then, with regard to the observations of Mr. Sen, that there is no urgency for the Bill in view of a similar provision in the State Acquisition Bill in the other House I am afraid Mr. Sen has failed to appreciate the provisions of that Bill. Waste lands cannot be acquired as separate from the estates and any member who is alive to the immensity of the task of state acquisition even after the bill is passed will agree with me that separate legislation for acquisition of waste lands will be necessary in view of the very urgent projects of Government. With regard to certain observations of Mr. Mahalanobish I find that he has failed to understand the necessity for such a Bill when the Land Acquisition Act is in existence. In my opening speech I pointed out to the House that the Land Acquisition Act is not the proper law to be applied because there the guiding factor for compensation is the market value and for acquisition of waste land no market value can be provided, for market value can be no guide to the land acquisition officers in this case and therefore there is likely to be a great amount of confusion in the matter of guidance. With regard to the observations of Mr. Biren Roy, I am rather sorry to see that he thinks of Bengal in those terms. I am visualising an independent sovereign State of Bengal and I believe that the majority of people in Bengal would like to have an independent sovereign State of Bengal and they will not give any encouragement to any move for Bengal to become a part of the Indian Union. As a matter of fact they know very well that Bengal with its patriotism, and brilliant past cannot be subject to any State outside it, whether it is British or Indian. Bengal will be an independent sovereign State, I can prophesy that, and the so-called leaders, the pseudo leaders, who are sitting on the benches opposite will see what happens. (Mr. LALIT CHANDRA DAS: What about your two-nation theory?) The question does not arise that West Bengal waste lands should not be dealt with in legislation at this stage. For these various reasons I oppose the motion for the re-committal of the Bill.

**Mr. PRESIDENT:** The question before the House is that the Bengal Acquisition of Waste Land Bill, 1947, as reported by the Select Committee, be re-committed.

The question was put and a division taken with the following result:—

**AYES—12.**

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| Mr. Lalit Chandra Das. | Mr. Biren Roy. |
| Mr. Bankim Chandra Datta. | Mr. Biswanath Roy. |
| Mr. Satish Chandra Jana. | Mr. Patiram Roy. |
| Rai Bahadur Brojendra Mohan Maitra. | Mr. Birendra Kishore Roy Chowdhury. |
| Mr. Bijoy Singh Nahar. | Mr. Charu Chandra Sanyal. |
| Rai Bahadur Jogendra Nath Ray. | Mr. Satish Chandra Sen. |

**NOES—27.**

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| Mr. Nur Ahmed. | Alhaj Yar Ali Khan. |
| Rai Bahadur Dhirendralal Barua. | Mobarak Ali Khan. |
| Mr. Reajuddin Bhuiya. | Mr. Abdul Latiff. |
| Mr. L. P. S. Bourne. | Mr. Syed Abdul Majid. |
| Mr. Moazzem Hossain Chaudhury. | Mr. K. MacLaren. |
| Khan Bahadur Abdul Latif Chowdhury. | Mr. George Morgan. |
| Mr. Syed Fazle Rabbi Chowdhury. | Khan Bahadur Mukhlesur Rahman. |
| Mr. D. J. Cohen. | Mr. Abdul Rashid. |
| Mr. E. D. Doyne. | Mr. Amulyadhone Roy. |
| Mrs. Labanyaprobha Dutta. | Miss Ethel Robertson. |
| Mr. A. M. Shahoodul Haque. | Dr. Kasiruddin Talukdar. |
| Mr. G. J. K. Hook. | Mr. Md. Taufiq. |
| The Hon'ble Mr. Saiyed Muazzamuddin Hosain. | Khan Sahib Maulvi Wahiduzzaman. |
| | Haji Md. Yusuf. |

Ayes being 12 and the Noes 27 the motion was lost.

**Mr. PRESIDENT:** The next amendment is that of Mr. Biswanath Roy But I do not think it is in order, because he has suggested a different quorum from that of the original Select Committee. So, this is out of order. In the next one he suggests a different Select Committee The principle is that the Bill must be recommitted to the same Select Committee. No new Select Committee can be proposed at this stage. Therefore amendments Nos. 5, 6 and 7 are out of order and now the original motion that the Bill be taken into consideration has to be considered

The question before——

**Mr. LALIT CHANDRA DAS:** Sir, I want to speak on this motion.

**Mr. PRESIDENT:** Very well, do it.

**Mr. LALIT CHANDRA DAS:** Sir, I rise to oppose the consideration of this Bill. My first ground is that . Sir, will the Hon'ble Minister speak now?

**Mr. PRESIDENT:** No, he will reply. He has already moved his motion.

**Mr. LALIT CHANDRA DAS:** All right, Sir. Sir, I rise to oppose the motion——

**Mr. LALIT CHANDRA DAS:** I rise to oppose the consideration of the Bengal Acquisition of Waste Lands Bill, 1947. My first point before the House is this, Sir, that the Bill is not urgent and there is not particularly any very great reason why the Bill should be enacted into law as presented before this House. I asked a question in this House what quantity of waste lands was lying fallow in Bengal to which the Hon'ble Minister replied that the quantity would be over 30 lakhs of acres. I particularly asked what was the quantity of such lands lying in the Burdwan Division to which his answer has been that the quantity of lands lying waste in the Burdwan Division would be over 4 lakhs acres. Now, I ask, what for is he going to acquire these over 30 lakhs of acres of land? What is the purpose? The purpose given in the Bill is "public purpose" and "public purpose" has been defined in sub-clause (*4*) of clause 2 of the Bill. Will he undertake all these works shown under the definition of "public purpose" at once?

Why should the Government be given so much power to acquire so much land? Now the Government had lands, they were the owners of khas mahals. Did they try any of the objects as they now disclose in sub-clause (4) of clause 2 of this Bill. They have nowhere, in no part of Bengal, Sir, tried to acquire some lands, waste lands or khas mahal for the purpose of starting model villages. Have they ever tried it at any time anywhere? Or even now are they going to start at once a net work of model villages throughout Bengal? Are you honestly going to do that? In view of their past inaction I suspect the *bona fides* of their intention that they will require over 30 lakhs of acres of land for the purpose of carrying out the purposes which have been described as "public purpose". They have not shown any earnestness in the matter at all. Why should they be given so much power to acquire so much land? They say, Sir, that they require land for the purpose of settling them with any person or persons in order to provide them with a means of livelihood if they are without such a means of livelihood as a result of discharge from the military service. Have the Government told us at any time in this House that there are so many persons waiting to be provided with waste lands so that they might get a living or have they produced any plan before this House that they would require so many thousands of acres of land? They have done nothing of the sort and we cannot trust them. Now, Sir, another thing which arouses our suspicion and about which we have not heard what the Hon'ble Minister has in his mind is this. I ask with whom these lands are going to be settled. Are they going to be settled with Bengalees or with persons from outside Bengal? Now, Sir, if lands have to be acquired for the purpose of settling them with Bengalees to help the latter I can understand the meaning of it but that does not seem to be the case and there is something behind their back, that they intend to import somebody else from outside Bengal and put them in Bengal to live in the villages that are proposed to be undertaken on these waste lands. If this be the intention certainly we shall have objection to it. We cannot allow the acquisition of Bengal's lands for people coming from outside Bengal. As a matter of fact, Sir, I put a question to that effect in this House and in answer to that question the Hon'ble Minister referred me to a speech which he delivered at the time of introducing this Bill. Now, Sir, that statement, I remember, referred to the probability of settling a large quantity of land with the Bihar refugees. He told the House that circumstances may so fashion themselves, may so come about that we may be compelled to settle the lands with Bihar refugees if the necessity arose. Now, Sir, the cat is really out of the bag. We cannot decree that our land should be intended for persons other than those who are permanently domiciled in Bengal or who are residents of the province of Bengal. Then, Sir, it is further stated that it is also intended to settle the lands with persons who find that they could not earn their livelihood because of the operation of natural causes or for reasons such as disturbances of the public tranquillity. But he has not told us how many people would require, being homeless, to be provided with land or who they are. So, in a general statement like this and under circumstances when we fear that the land may go away elsewhere we do not feel that these powers should be given to this Government to acquire the waste lands of Bengal. There is another thing which has been stated and it is this, that in order to provide them with holdings of an economic size if they are petty cultivators, bargadars or landless labourers whose means of livelihood are in the opinion of the Provincial Government insufficient to maintain a reasonable standard of life. Sir, here they have put the cart before the horse. They are going to acquire waste lands of Bengal and then they will go no fishing for petty cultivators, bargadars or landless labourers and then find out the quantity of land that they will require—on all these I must say the Honourable Minister must furnish the House with definite details as to the number of labourers, petty cultivators and landless labourers that will require such lands. They have laid

no such plan before the House, and yet they come forward and say "give us the power to acquire waste lands". Let them give a proof of their efficiency and incorruptibility before they can make such a demand. We are suspicious of the administration, for their administration is shrouded in mystery. We cannot allow them to have this power. Then, about the large scale farming on a co-operative basis with the aid of power-driven appliances. That is a very good idea, no doubt. But, here, again, nothing has been stated as to how much quantity of land will be required in order to prove that a large scale farming on a co-operative basis can be carried on; a mere statement will not do; simply citing that they will do this and that will not do. Facts and figures must be stated. Therefore, in the absence of these facts and figures we cannot give the Government this power to acquire all the waste lands of Bengal. Although co-operative societies have been in existence in Bengal ever since the inauguration of the Constitution of 1937 they have not proved as yet by any definite action that they would be able to act on a policy of large scale farming on a co-operative basis; I am sure they will utterly fail. I say that they have actually proved themselves quite unfit for the purpose of taking so many lands on the mere allegation that large scale farming on a co-operative basis would be carried on, nothing of the sort, Sir. Although the co-operative societies have been in existence for quite a number of years and there is also a Ministry of Co-operative Department yet it has done nothing of the sort. It is only a whitewash, a smoke-screen in order to hide their real purpose. I submit, Sir, that they have not been able to prove before this House the necessity of acquiring all the waste lands in Bengal. It has been said that the purpose is also for the carrying out of irrigation and drainage schemes. The drainage and irrigation schemes they have in plenty all the time. When we put any question regarding irrigation and drainage schemes the answer always is "they are being prepared or they are under preparation". Have they up to this time proved by concrete action that they have carried such and such irrigation schemes or such and such drainage schemes? What they have done during the last 10 years to rouse the confidence in us that they would carry out the purpose of the Bill? By their past action so long they have not shown the ability about irrigation and drainage schemes. So I submit we cannot trust them with the power to acquire all the waste lands of Bengal. If the provision of the Government would have been that for such and such purpose "we require so much land" that would have been understandable. If they had sought acquisition of land in Burdwan Division for the purpose of the Damodar Scheme and said that they required so much land that would have been understandable or if they had said that on the Bankura or Dinajpur side they required so much land for the purpose of establishing model villages or for the purpose of afforestation or for the supply of land to a large number of unemployed men of Bengal to help them as a means of livelihood, then we would have surely considered as legitimate grounds for asking for powers to acquire that quantity of land. But as they have not given any detail of what they intend to do we cannot agree, we cannot give *carte blanche* to the Government to acquire all the waste lands of Bengal. I submit, Sir, that on these grounds the consideration of this Bill should be refused by this House. Sir, in respect to the attempt of the Government to hurry through this provision I submit that there is no urgency in the matter, since new constitution is coming and it is not known who remains and who goes out: there are chances of two Governments in the province: the chances are that this Government will be replaced by a new Government—the chances are that there will be regional Ministries and the chances are that there will be partition of Bengal (cries from Treasury Benches: There will be independent sovereign State). No one will be deluded by your sovereign State. You want sovereign State of Pakisthan and we want a separate State for Bengalee Hindus and we people of Bengal will stoutly oppose your sovereign Pakisthan in Bengal. We want to be

part and parcel of the Union of India. With your two-nation theory you want to separate from Hindus and we also want to separate and we will separate: we want a homeland for Bengalee Hindus. You speak of the two-nation theory now—you who belong to the stock of low-class Hindus, and I say that 90 per cent. of the Muslims of Bengal were Hindus. Now you want to separate and say you have nothing in common with the Hindus. So let us separate and have two provinces one with Muslim majority and the other with Hindu predominating, as a part of the Indian Union.

**Mr. PRESIDENT:** Mr. Das, let us not try to settle that question here.

**Mr. LALIT CHANDRA DAS:** Sir it is not a matter of joke that lakhs and lakhs acres of waste land should be taken by the gentlemen of the East Bengal and handed over to their own people to outnumber the Hindus, in order to pakisthanise the West Bengal. We stoutly protest against this measure. The House should express its desire whether the Bill is urgent. I submit that it is a dangerous Bill and moreover as there is no urgency, the consideration of this Bill should be refused by the House.

With these words, Sir, I oppose the Bill.

**Mr. BIJOY SINCH NAHAR:** Sir, I rise to oppose the motion. This is a very dangerous Bill and it has been brought before the House by the communally minded Government and it is an entirely communal Bill. My previous speakers have told in a very clearcut way that we from this side of the House to not want such a Bill to be enacted into law. This Bill really means to take away the inherent right of one section of the people by the other section. Sir, the Government proposes to take away the lands mostly of West Bengal, as the Hon'ble Minister has pointed out, from the persons who own them and he wants to settle the lands with other persons which the Hon'ble Minister described as public purpose. Sir, the public purpose mentioned here is a dangerous purpose. (Dr. KASIRUDDIN TALUQDAR: What is the danger?) The danger is that the Government wants to settle the lands. (Mr. WAHIDUZZAMAN: They want only waste lands) They will want the best lands and not the waste lands. Because the definition of the waste land given in this Bill really does not mean only waste lands. Government wants to take away lands belonging to one person and re-settle them with other persons who are in their good books, belonging to their own community or party or their supporters. (Mr. MD. TAUFIQ: They are human beings) Undoubtedly, but the persons from whom these lands are being taken away are also human beings and so there is some ulterior motive behind this move. I submit, Sir, there is some real motive behind this Bill. Otherwise we would not have opposed the Bill in this fashion we are doing to-day. Our Deputy Leader has pointed out that Government wants to re-settle the lands with the Muslims from Bihar in the West Bengal to show that in West Bengal also they want to create a majority of the Muslims. To-day in West Bengal there is the absolute majority of the other community and so we want that these lands should not be taken away from the owners and have them re-settled with other persons. They should not be forced to leave their lands. (Mr. MD. TAUFIQ: You are opposing on communal grounds). Surely, my friend says we are opposing on communal grounds. But, Sir, we have been forced to do it. For the last ten years they are exciting communal passion among the people of Bengal in a way the Hindus and the Muslims cannot live together in the same locality and place. Although it is our intention and it is the intention of the people in general that we Hindus and Muslims should come together and unite, the present Government will never allow it and they want to segregate us by this Act; rather they are encouraging to-day the fight between the Hindus and the Muslims that is going on by their own actions or inactions as the case may be. So whether we like it or not this Government do not like that the Hindus and the Muslims should live together. They want that every land should be either pakistanised or

hindustanised; they have already divided us with their policy, with a bitter policy, a bitter pill which they are going to swallow to-day in return for that policy. They have divided us in many ways and they now want to divide Bengal also into a Hindu Bengal and a Muslim Bengal. To-day under the garb of this Bill they want to take away those lands that are now being possessed by the Hindus by sheer force of law which they are going to enact to-day. So I say that this is a very dangerous Act. Another thing. Even if this Act were passed into law I warn you and your Government that the people will not tolerate it. People will rally round and disobey your laws; they will have to retort; they will refuse to be ruled by the curious land laws that you are creating to-day. The law that you want to enact to-day is a communal law, laws by which you want to strengthen your party with ulterior motives. And the law that you have taken in hand now is a most dangerous law and I warn you that you should not proceed in such a fashion. If you go on, really you will invite more troubles, more dangers which nobody would like to have, I believe. The Minister and his party want a sovereign Bengal. Really does he mean business by introducing this communal Bill in this House to-day while in the same breath he says that he desires a sovereign Bengal. Is this the sample of sovereign Bengal? If this be the sample of sovereign Bengal they need never imagine that they will ever get any support from this side of the House or from the people in general. Surely the people in general are not communal-minded. (Mr. MD. TAUFIQ: They are not; only the zemindars and the opposition are.) Yes, surely those capitalists and communalists who have come from outside Bengal with large sums of money and want to have lands and bustees purchased in Calcutta and want to have power and position in Bengal. The honourable member who interrupted me aspired to have a position in the Corporation and it was refused only yesterday. I was pointing out that the people will not tolerate the persons who want to rule by this sort of laws to-day. People have learnt many things by experience and they know how to revolt against the present Government. They have revolted and they have almost succeeded in driving out the mighty British imperialism from India. They will not fail to do so in Bengal also and to drive away the reactionary and anti-nationalist elements from this land in no time. This Bill, as I have pointed out, really does not mean any business except to create disruption among the people of Bengal. In the "public purpose" in sub-clause (4) of clause 2 of the Bill it has been mentioned that the lands may be settled with any person. There are three classes of persons mentioned (1) those persons who have suffered from riots; (2) Bargadars and (3) (this is the most dangerous as has been pointed out by my friend Mr. Taufiq) that the Government want to settle the lands with the capitalists to enable them to earn more money by taking away others lands against their will and giving them to the capitalists to enable them to carry on large-scale farming by the use of power-driven mechanical appliances. Sir, if you go deep into the provisions of this Bill you will find that not waste lands alone but various lands may be affected by the definition of "waste land" given in this Bill.

**Mr. PRESIDENT:** Order, Order, Mr. Nahar, how long will you take to finish?

**Mr. BIJOY SINGH NAHAR:** About 10 minutes more, Sir.

**Mr. PRESIDENT:** In that case let us stop here for the day; the time is up.

The House stands adjourned till 1-30 p.m. to-morrow.

## Adjournment.

The Council then adjourned till 1-30 p.m. on Thursday, 1st May, 1947.

**Members absent.**

The following members were absent from the meeting of the Council held on the 30th April, 1947:—

(1) Mr. Sultanuddin Ahmed,
(2) Khan Bahadur Syed Abdur Rashid Chowdhury,
(3) Mr. Abdul Hamid Chowdhury,
(4) Mr. Yusuf Ali Chowdhury,
(5) Mr. Kamini Kumar Dutta,
(6) Khan Bahadur Sheikh Fazul Ellahi,
(7) The Hon'ble Mr. Abdul Gofran,
(8) Mr. Mungturam Jaipuria,
(9) Alhadj Khan Bahadur Shaikh Mahammed Jan,
(10) Mr. Humayun Z. A. Kabir,
(11) Mr. Tarak Nath Mukherjea,
(12) Dr. Kumud Sankar Ray, and
(13) Mr. Abdulla-al-Mahmud.

WBGP-48/9-1059A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947.—No. 36.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 1st May, 1947, at 1-30 p.m., being the 36th day of the First Session of 1947, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTIONS AND ANSWERS

### Flood in the district of Chittagong.

**112. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Department of Co-operation, Credit and Relief be pleased to state whether it is a fact that a terrible unprecedented flood visited most of the thanas of Chittagong during second week of July, 1946?

(*b*) If so, what thanas and villages of Chittagong are affected by the flood, how many people are affected thereby, what is the rough estimate of livestock cattle, houses destroyed and what is the rough estimate of property lost?

(*c*) Is it a fact that all crops seedling and paddy seeds have either been destroyed or totally damaged?

(*d*) If so, what special measures have been taken by Government to render (*i*) immediate relief, and (*ii*) long-term relief?

**Mr. ABDUL RASHID, Parliamentary Secretary (on behalf of the Minister in charge of the Department of Co-operation, Credit, and Relief):** (*a*) and (*b*) A flood affected with varying intensity the following twelve thanas in Chittagong district, viz., (1) Rangunia, (2) Rauzan, (3) Satkania, (4) Hathazari, (5) Patiya, (6) Banskhali, (7) Fatickchari, (8) Boalkhali, (9) Anwara, (10) Mirsarai, (11) Sitakunda and (12) Chakaria, covering 417 villages; 250,160 people were involved; 2,067 livestock died; 33,238 houses were damaged. An approximate estimate of financial loss is not possible.

(*c*) *Aus* crops on 26,490 acres and *aman* seedlings on 10,023 acres were affected.

(*d*) (*i*) and (*ii*) Information is given below:—

| (1) Causal doles distributed— | Mds. | sr. | ch. |
|---|---|---|---|
| *Chira* | 183 | 28 | 0 |
| *Muri* | 18 | 3 | 0 |
| *Gur* | 41 | 26 | 8 |
| Total | 243 | 17 | 8 |
| *Biscuits* | 35,773 lb. | | |

| (2) Free doles distributed— | Mds. | sr. | ch. |
|---|---|---|---|
| Rice | 9,014 | 17 | 3 |
| *Atta* | 2,550 | 0 | 0 |
| *Dal* | 77 | 3 | 0 |

| | |
|---|---|
| (3) Seeds distributed, lent or sold at cheap rate— | Mds. |
| Distributed free .. .. .. . | 2,328 |
| Distributed as agricultural loan .. .. .. | 3,211 |
| Sold at cheap rate .. .. .. .. | 7,619 |
| (4) Rice and *atta* sold at cheap rate— | Mds. srs. |
| Rice at cheap rate .. .. .. .. | 37,696 32 |
| Rice at controlled rate .. .. .. .. | 36,009 28 |
| *Atta* at controlled rate .. .. .. .. | 22 0 |
| (5) Tube-wells sunk .. .. .. .. | 302 |
| Tube-wells repaired .. ... .. .. | 215 |
| (6) Medicines distributed— | |
| Mepacrine .. .. .. .. .. | 2,224,000 tablets. |
| Quinine .. .. .. .. .. | 99 lb. |
| Halozen .. .. .. .. .. | 400,000 tablets. |
| Cholera vaccine .. .. .. .. | 412,032 ampoules. |
| (7) Other accessory medicine and food distributed— | |
| Bleaching powder .. .. .. .. | 8,688 lb. |
| Barley .. .. .. .. .. | 181 tins (4,525 lb.) |
| Milk powder .. .. .. .. | 15 tons (1,784 lb.) |
| (8) Persons inoculated .. .. .. .. | 495,129 |
| (9) Tanks disinfected .. .. .. .. | 2,486 |
| (10) Cattle inoculated .. .. .. .. | 21,225 |
| (11) Cloth, etc., distributed— | Pieces. |
| *Lungis* .. .. .. .. .. | 10,828 |
| *Thamis* .. .. .. .. .. | 10,000 |
| *Saris* .. .. .. .. .. | 12,578 |
| *Dhutis* .. .. .. .. .. | 7,814 |
| *Gamchas* .. .. .. .. .. | 1,119 |
| *Kurtas* .. .. .. .. .. | 3,015 |
| *Panjabis* .. .. .. .. .. | 4,475 |
| Frocks .. .. .. .. .. | 5,000 |
| Blankets .. .. .. .. .. | 14,743 |
| Shorts .. .. .. .. .. | 10,468 |
| Mats .. .. .. .. .. | 1,953 |
| (12) House-building materials distributed— | Tons. |
| G. I. sheets (at controlled rate) .. .. .. | 447 |
| Jute twine (free) .. .. .. .. | 39½ |
| (13) Grants and loan, given— | Rs. |
| House-building grants .. .. .. .. | 78,000 |
| Agricultural loan .. .. .. .. | 2,82,000 |
| Cattle purchase loan .. .. .. .. | 1,66,000 |
| House-building loan .. .. .. .. | 2,83,000 |

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister please explain why this answer has been given ten months after?

**Mr. ABDUL RASHID:** That I can't say.

**Mr. LALIT CHANDRA DAS:** Does the Parliamentary Secretary not realise that the interest of the question goes away if answers are delayed long in this way?

**Mr. ABDUL RASHID:** Government require sufficient time to collect all the details and hence delays are apt to occur.

**Mr. PRESIDENT:** When was this question admitted?

**Mr. LALIT CHANDRA DAS:** Speaking offhand and though I am not quite sure, perhaps in September, 1946.

**Mr. BISWANATH ROY:** Sir, may I make a submission in this connection? When a question is admitted and printed there is a certain number given to it and if the number of that question is quoted in the actual answer it will be easy for the members to follow it.

**Mr. PRESIDENT:** Is that the practice in the other House?

**Mr. BISWANTH ROY:** I am not sure, Sir. In the list of admitted questions there is a certain number given, e.g., No. 46 of 1947, and if these very numbers are quoted at the time of answering them then we would know which questions are being answered, as we preserve copies of our questions for our own guidance.

**Mr. PRESIDENT:** All right, the matter will be examined.

### Establishment of field laboratories in the district of Bengal.

**113. Mr. CHARU CHANDRA SANYAL:** Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state—

(*a*) if the Government have a scheme to establish field laboratories in the districts of Bengal for analysis of soil and to suggest the nature and quantity of manure required for a particular soil to grow a particular crop for the benefit of the cultivators and to popularise improved agriculture;

(*b*) if so, what steps the Government have taken to implement the above scheme; and

(*c*) if not, why not?

**Mr. ABDUL RASHID, Parliamentary Secretary (on behalf of the Minister in charge of the Department of Agriculture, Forest and Fisheries):** (*a*) A comprehensive scheme for the Soil Survey of Bengal has been drawn up and will shortly be implemented. Only when the survey is completed it will be possible to decide whether establishment of field laboratories will be necessary. Field experiments will then be designed to give correct advice to the cultivators in different parts of the Province.

(*b*) Does not arise.

(*c*) The member is referred to the answer to question (*a*) above.

**Mr. LALIT CHANDRA DAS:** May I ask the Hon'ble Minister to tell us when the comprehensive scheme of the soil survey of Bengal was drawn up?

**Mr. ABDUL RASHID (for the Hon'ble Mr. Ahmed Hosain):** I do not know the actual date.

**Mr. LALIT CHANDRA DAS:** Is the intention of the Government to into operation the scheme?

**Mr. ABDUL RASHID:** Yes, it would be put into operation—it will shortly implemented.

**Mr. LALIT CHANDRA DAS:** Can the Hon'ble Minister give us approximate time?

**Mr. ABDUL RASHID:** I cannot give you any target date.

**Mr. LALIT CHANDRA DAS:** I want an approximate date—whethe would be two months or one month? We want to have a definite time.

**Mr. ABDUL RASHID:** Sir, I cannot give any definite time.

**Mr. BIREN ROY:** Is the Hon'ble Minister aware that soil sur experiment is already being carried on in the South Suburban Munici area through the agency of Government?

**Mr. ABDUL RASHID:** May be.

**Mr. BIREN ROY:** How is it that although the soil survey experim is going on in the South Suburban Municipality the Hon'ble Minister not aware of it and a lot of money has already been spent on it. May I if the Government is aware of this or not?

**Mr. ABDUL RASHID:** It is not necessary.

**The Kumar Basanta Kumar Agricultural Institute at Rajshahi.**

**114. Khan Sahib MOBARAK ALI KHAN:** (*a*) Will the Hon' Minister in charge of the Department of Agriculture, Forests and Fishe be pleased to state whether the Government are aware that there is an A cultural College at Rajshahi known as "The Kumar Basanta Kumar A cultural Institute" which is being maintained with the sole donation Rs.4½ lakhs made by the late Kumar Basanta Kumar Ray of Dighapatia?

(*b*) If so, are the Government willing to provincialise it and place it a sound footing after making alterations or additions in the syllabus necessary?

(*c*) If not, why not?

**Mr. ABDUL RASHID, Parliamentary Secretary (on behalf of Minis in charge of the Department of Agriculture, Forest and Fisheries):** Yes.

(*b*) Government propose to formulate a scheme for converting the in tute into a school under direct Government management for the train of Agricultural demonstrators.

(*c*) Does not arise.

**Mr. PRESIDENT:** Questions over.

**Mr. ABDUL RASHID:** Sir, there are postponed questions and Hon'ble Minister, Civil Supplies, is willing to answer them.

**Mr. BIJOY SINGH NAHAR:** Sir, there is another question, No. postponed on which the Hon'ble Minister promised to make a statement

**Mr. PRESIDENT:** The Council Department is not aware that Hon'ble Minister would be here today. When was that question postpon

**Mr. BIJOY SINGH NAHAR:** Question No. 32 was postpo on the 7th February last. It was partly answered and par held over and it was mentioned that the Hon'ble Minister in cha

would make a statement by the end of the session. We do not know when the session would be ending but may we know whether he will make this statement today?

**Mr. PRESIDENT:** Yes I remember the fact but I do not remember the question number. The Hon'ble Minister in charge of Civil Supplies Department promised to make a statement before the end of the session.

**The Hon'ble Mr. MUHAMMED ALI:** The session is not at an end.

**Mr. PRESIDENT:** But it is expected that the reply should be given within a reasonable time.

**The Hon'ble Mr. ABDUL GOFRAN:** I will make a statement very soon.

## Adjournment Motion.

**Mr. HARIDAS MAZUMDAR:** Sir, I have got an adjournment motion.

**Mr. PRESIDENT:** One minute Mr. Mazumdar. I have received notice of an adjournment in the name of Mr. Haridas Mazumdar which runs thus: "That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the failure of the Government of Bengal to take effective measures for the stoppage of desecration of temples reported to be systematically carried out in Kurigram subdivision. Now, the report or the cutting from the *Amrita Bazar Patrika* which you have submitted is dated the 26th April but when was it published in the *Amrita Bazar Patrika*"?

**Mr. HARIDAS MAZUMDAR:** It was published most likely yesterday or day before yesterday.

**Mr. PRESIDENT:** You must be definite.

**Mr. HARIDAS MAZUMDAR:** My attention was drawn to it yesterday afternoon—

**Mr. PRESIDENT:** Mr. Mazumdar, it is immaterial when your attention was drawn to it. The question is that the notice must be put at the earliest opportunity.

**Mr. HARIDAS MAZUMDAR:** That is a technical term and under the shelter of that technicality—specially when I was not really aware, as soon as I was aware of the fact, I have brought it to your notice,—you, as the custodian of our privileges and rights, should not rule this out. It is a privilege of the Opposition to bring it to the notice of the House any important and urgent piece of information—

**Mr. PRESIDENT:** Order, order. It is an urgent matter no doubt but its urgency could only be proved if you did bring the matter to the notice of the President at the earliest opportunity.

**Mr. HARIDAS MAZUMDAR:** Yes, Sir, I have done that.

**Mr. PRESIDENT:** No.

**Mr. HARIDAS MAZUMDAR:** Sir, my attention was—

**Mr. PRESIDENT:** When your attention was drawn is immaterial. There are definite precedents on this point that the attention of the questioner is immaterial. I want to know when was it published in the *Patrika*. Will you give me the date?

**Mr. HARIDAS MAZUMDAR:** On the 29th and this is quite recent.

**Mr. PRESIDENT:** Let me see it.

(Mr. Haridas Mazumdar then handed over the paper to the Hon'ble President.)

Are Government in a position to make a statement? Have they got any information on this matter?

**The Hon'ble Mr. MOHAMMED ALI:** No, Sir. I would also object to the admission—

**Mr. PRESIDENT:** No question of admission now. I am going to consider that question. I am just asking you whether you are in a position to make a statement on this question. Are you prepared to make a statement?

**The Hon'ble Mr. MOHAMMED ALI:** Sir, we do not want to take shelter under the technical defect of this question. We shall certainly enquire into the matter and make a statement.

**Mr. PRESIDENT:** In that view of the matter, Mr. Mazumdar, do you propose to press your motion?

**Mr. HARIDAS MAZUMDAR:** All right, Sir.

**Mr. PRESIDENT:** Now, that finishes the matter here. About the next item, namely, the Bengal Acquisition of Waste Land Bill, I understand that Mr. Nahar was in possession of the House yesterday. Yes, Mr. Nahar

## The Bengal Acquisition of Waste Land Bill, 1947.

**Mr. BIJOY SINGH NAHAR:** Sir, as I was pointing out yesterday this Bill is an extremely communal Bill which has been brought here. I gave certain examples yesterday and I am giving some more examples from the Bill today to show that the Bill has been haphazardly drafted. In the definition of "public purpose" it has been mentioned that "in order to enable such person or persons to carry on large scale farming on a co-operative basis or otherwise by the use of power-driven mechanical applicances." Sir, here the Government seems to take away lands, supposed to be waste lands from one party and wants to give it to some other party who have enough money to utilise for their own purpose, to cultivate the lands with power-driven appliances, so that there may be more cultivation. Of course by this the lands will be improved but the previous owners will not be properly compensated and the new purchasers will be earning heavy sums out of the lands. Sir, many new companies are now being floated and many firms with modern appliances, etc., are trying to have their own cultivation their own farming, etc., and they are paying good sums of money, or proper compensation as has been prescribed in the Land Acquisition Act to the owners of the land from whom they are acquiring. But the Government here intends not to give proper compensation to the owners of such lands whereon they propose to allow large-scale farming on a co-operative basis and at the same time they want to provide the would-be owners of those farms, of those co-operatives or something like that with a large area of land that is proposed to be acquired for nothing practically, without paying reasonable compensation. Sir, this is another way of snatching away lands snatching away properties of one party and handing them over to certain other parties whom the Government wants to favour at any cost. They will not hear other people's point of view unless they can dance attendance on the Ministers and their henchmen; unless they are in the good books of this ministry they will turn a deaf ear to any of their prayers, however reasonable they might be. Next we find, Sir, that the ministry wants to provide the petty cultivators, *bargadars*, landless labourers, etc., with holdings of economic size. But the Bill has not been drafted as such and it has never been mentioned that they want to give homestead land to the poor people of the very same place. Perhaps it might be the intention of

the Government to transfer one set of persons who may be landless labourers, *bargadars*, or petty cultivators and to provide these people whom they have marked out, they would take away lands belonging to other persons and will give them to such a set of persons whom they have in view and who may be outsiders, newcomers in those places where they will be settled. It ought to have been clearly stated in the Bill, if at all Government were serious about it or if Government meant business, that they intend providing lands for persons of the same locality, for those persons who have no homesteads of their own in the locality where they are working at present, where they are petty labourers, or *bargadars* or something like that. But it has not been provided as such. Therefore, Sir, we think that there is some motive behind the minds of the Government and they have not expressed clearly what their intention is. They merely say that they may give it to such and such persons as they think best. Therefore, Sir, we are suspicious of the Government and we do not like that such a Bill should be passed into an Act. Next, Sir, they want to hand over such lands, as mentioned in the portion following the definition of "public purpose", to such other persons who have been demobilised or rather discharged from military service or supposed to have been doomed by natural causes or circumstances such as disturbances of the public transquillity and so on and so forth. Sir, here too it is a very dangerous thing. Sir, we had been systematically opposing importation of people from other places but the Government is bent upon bringing one set of persons from one place or from some districts and putting them in a different place, in different districts where they would be absolutely newcomers. Sir, a man who has been discharged from military service seems to me to be quite fit to work in some other place or he might be absorbed, if the Government so pleases, if the Government wants to favour them, in some other posts and jobs. They will be quite fit to do their new duties as they were in the military service but that is not to be and Government wants to provide them with lands. To aggravate our doubts they have not mentioned how much they will be given whether one acre, two acres or hundred acres. It is also funny that the Government has not mentioned if they are going to charge them anything for providing them with lands. Whether Government is willing to provide these lands free, or whether they want to charge them any money for the lands;—that has not been mentioned in any section of the Bill. Government merely say that they want to resettle those lands with certain persons. So I say that the Bill has been drafted very haphazardly; the mind of the Government has nowhere been disclosed; it has nowhere been mentioned that at the time of settling these lands they will charge them the same amount or will make a black market of the lands they are going to acquire and distribute to those men, or whether they will charge double, treble or 100 times the value of the land on those men or on companies which will carry on farming on those lands on a co-operative basis or on those who have returned from military service, and so forth. What amounts they will be charged and how they will be charged—is nowhere mentioned. It has been only mentioned that the Government will acquire certain lands, I mean wastelands.

The next thing is the definition of waste land; this also has been haphazardly drafted. It is not clearly understood what lands come under the category of waste land. The Collector has been given full power to make use of his own explanation of the definitions and other things, and at the same time the definition is not clear. In the definition we find that waste land means any land which has been lying fallow, uncultivated since the 31st January, 1947. This I consider to be a hoodwink. Why has this date been put in? The 31st January, 1947? That means that they want to take the people by surprise. Sir, this Bill was introduced long after the 31st January, 1947, and the public or the poor people who have lands or the owners of the lands did not know what the fate of their lands was going to be. This date, namely, 31st January is really dangerous. It should have been, as we think, some date after the passing of this Bill, so that the

present owners of the lands might have got an opportunity of having them cultivated. Besides, there might have been other difficulties that had stood in the way of cultivation, namely, irrigation and other difficulties. The Government however do not propose to meet those difficulties, to help the people, I mean the owners of the lands in quelling (removing) those difficulties, so that those lands might be made fertile, but at the same time they want to take those lands away and put in newcomers and that also without removing those difficulties. In this Bill nowhere has it been provided that after taking those lands Government will take steps to do away with those difficulties. If they are really waste, uncultivable lands, why did they not do anything to render them cultivable? If they really did make any attempts then I am sure the present owners of those lands would have put to cultivation on those lands, and Government would have earned their gratitude for helping them to be able to cultivate their fallow lands.

With these words I oppose the consideration of the Bill.

**Mr. NUR AHMED:** Sir, I rise to support the motion for the consideration of this very important Bill. Sir, of all the measures that have been brought before this House I think this small piece of legislation is the most important and useful. I am very sorry to say that a communal colouring has been given to such a beneficent Bill which is calculated to do immense good to the masses of Bengal.

**Mr. PRESIDENT:** Hon'ble members should not move about in this way.

**Mr. NUR AHMED:** It is very unfortunate but we think that there is nothing in this Bill which is communal. From a perusal of the Bill I do not find any word which can be interpreted as leading to communalism. Sir, it is a known fact that Bengal is deficit in its food production. The Famine Commission and the Royal Commission on Agriculture and all other bodies, even the Agricultural Adviser to the Government of India, emphasised year after year that Bengal must be warned and must be prepared to face famine unless it increases its food production to its maximum. The late lamented Sir Azizul Haque in his book "Man behind the plough" explained the position. He produced statistics from Government reports on crops to show that Bengal is not self-sufficient in food production and it is a proof that Bengal is deficit in its food production to the extent of 15 to 20 lakhs tons of rice. It is admitted that before the war Bengal used to export rice from 10 to 15 lakhs maunds. All these Commissions, especially the Famine Enquiry Commission, have emphasised that production should be increased in Bengal. The Government of India also have drawn up a five-year scheme regarding grow more food and asked all the Provincial Governments to give effect to this plan. Owing to that if the Government of Bengal want land for more production, is there anything communality in it? In this connection it has been said that the Government's intention is that they want this land for settling the Behari refugees. These unfortunate people who have been driven away by the Hindu *goondas* of Behar and who have had to leave their hearth and home by inhuman oppression, with murder, loot, arson have been given shelter by the Government of Bengal and it is a question of humanity. These people who were inhabitants of Behar lived there for generations. They were driven by the majority community in Behar, their hearths and homes have been destroyed, their property looted, their children, women mercilessly murdered and abducted. That is why they rushed to the neighbouring province of Bengal and it is I think the duty of the Government to see that these people do not die of starvation. Can it be said it is communal? Suppose the people were not Muslims but Hindus—what would you have said then? So I do not find anything communal in it. The Bill says that those lands which are not cultivated within five years or more, those lands only will be acquired under the provisions of the Act. There is other exemption such as lands

for cultivation of tea. One question I would ask my friends opposite and it is this: Is not Government justified to take away the land in which the owners have not cultivated any crop for 5 years? It is a known fact that Bengal is densely populated and its population is increasing at the rate of 10 lakhs a year. Sir Azizul Haque when he calculated the population, Bengal's population then was 5 crores but according to the last census it is 6 crores or more. So it is a very serious problem for any Government whether this Government or any Congress Government to feed this huge population properly, or how to increase the food production. In order to save the people from starvation great efforts are necessary. We all remember the famine of 1943 when thousands and thousands died of starvation. It is a great problem and no Government having a grain of responsibility will underestimate the task. So, actuated by the best intention this Government has come forward to ask for necessary power to acquire these lands. There are constant erosion and so afforestation is necessary in specially deforested parts. Government wants to settle these lands with the landless labourers. It has been calculated that 29th per cent. of the agriculturists are landless labourers. After the great famine of 1943, their number has increased considerably and their distress is all the more acute owing to the high prices of the different food articles. They are struggling hard for their living. I ask my Congress friends and nationalist friends who belong to the great organisation, who take pride to stand for the poor masses, whose aim is to help the poor people of India, why they are opposing this Bill. I am sorry to say, I am compelled to say that my nationalist friends follow two policies. In their own Congress-administered provinces they follow a policy which is diametrically opposite to the policy they follow in the provinces where they are not in power. By this policy they have driven the Muslims from the Congress and they are about to drive the Scheduled Castes also. Sir, similar Bills have been passed in Madras and United Provinces where the Congress is in power. But here it is dubbed as communal. Sir, I do not find anything communal in this. I think the only question that can be raised in the House should be as regards compensation. Sir, I am one of those who are of the opinion that the compensation should be reasonable and just. I ask my nationalist friends and nationalist parties to consider what will be the fate of millions of Bengalees if Government sits idle and does not do anything when the price of rice even now is abnormally high, beyond the purchasing power of the poor people who are suffering for such reasons. Reports show that a good lot of lands are lying fallow, are not cultivated, are full of jungles and are lying vacant and that if they are properly improved more food crops can be grown to the relief of millions of people. I ask my nationalist friends to consider very deeply the implications of this measure and the circumstances under which Government are proposing to take such power and then to oppose the measure if they are not convinced of the Government's *bona fides*.

**Mr. LALIT CHANDRA DAS:** On a point of information, Sir. My friend is addressing the "nationalist friends". Nationalist friends of which nation, Muslim Nation or Hindu Nation, I cannot follow.

**Mr. NUR AHMED:** Sir, in sub-clause (*4*) of clause 2 of the Bill "public purpose" has been defined. The first is afforestation and the second is irrigation or drainage schemes. This is a very important and vital question for Bengal. Sir, vast areas of land which were once fertile used to produce paddy but they are now lying vacant. It has been recorded by experts like William Cock that Bengal during the Hindu rule and Moghul rule had a variety of sources of irrigation, irrigation by overflow rain and river water. Canals were cut throughout Bengal and water passing through those canals used to be taken to the fields to feed the crops but due to the great confusion and disturbance when the Mahrattas attacked Bengal and with the fall of the Moghul Empire this system of irrigation stopped. Now

they erred to as dying rivers; it is a pity. They were once a very important irrigation system. Now if the Government takes the barren lands lying fallow and vacant with a view to bring them under cultivation or to make the best use of them for other public purposes Government cannot be said to be committing any wrong in the eye of anyone. The third provision is the establishment of model villages. I am afraid many members of the Opposition have not quite appreciated the effect of this item in the Bill. Sir, one of the important items of agricultural planning is the establishment of model villages. Model villages are necessary not only for cultivation or for food products but for many other respects. The insanitary condition in Bengal villages is well known and model villages are required to demonstrate to the people how a village should be improved both from the sanitary and health points of view and also for production and how it should be made self-sufficient. So, if after a century of neglect of this very important question Government have now come forward to establish model villages and want to acquire waste lands for the purpose, I again put the question, Sir, is it a crime on the part of Government to take lands for that purpose? Model villages are necessary. It has been recommended by many experts who are aware of the present insanitary condition in our villages. Government will settle lands only with persons who have been displaced by natural causes or have retired from military service, etc. During the Great War No. II, large numbers of people were recruited as members of the military personnel or as labourers or as other workers and after the termination of the war they have lost their jobs, and are in a pitiable condition, seeking employment from door to door. Under the directions of the Government of India every Government, the Punjab, the Central Provinces and the United Provinces and even the Madras Government have prepared plans for rehabilitation colonisation of ex-servicemen on a co-operative basis, or otherwise. If this Government also wants to settle lands on a co-operative basis I again ask—what is the crime on the part of this Government? There is another item—namely, in order to enable such persons to carry on large scale farming on a co-operative basis or otherwise by the use of power driven mechanical appliances—this raises a very important question. Sir, Russia has made very great agricultural improvements in this agricultural methods. There is the system of collective co-operative farming there and Government also help the process. Nowadays the price of tractors are high and moreover ordinary cultivators do not know how to use them and it is also beyond their power and means to purchase them. Moreover, technical knowledge is necessary to use them. So in Russia we find that Government supply tractors to all these farms, which are quite a feasible process. They supply tractors to a collection of farms for a certain number of days and a certain portion of the produce is made over to Government in lieu of the hire of the tractors. Sir, if Government want to make an experiment on these lines, that is agricultural farming on co-operative basis, can there be any objection? With these few words I support the motion for consideration of this Bill.

**Mr. NAGENDRA NATH MAHALANOBISH:** Sir, I beg to oppose the consideration of the Bill. It is a reactionary and mischievous Bill—a Bill conceived out of grudge against a community for the benefit of another community for political purposes and not for economic purposes. This Bill if considered from the beginning to end will appear that it was intended for the special purpose of expropriating lands of one community—the minority community—for the benefit of another community in this province. Lands may be acquired for public purposes. There is laws for the acquisition of land for public purposes, and for public purposes land is liable to be acquired. In every civilised country compensation is paid for such acquisition and compensation is paid not on the principle adopted in this Bill but on market value of the land. In this Bill a nominal compensation is proposed or, in other words, practically they are going to take the lands

of one particular community for almost nothing. Rs.5 or Rs.10, or even Rs.15 per acre is absurd. It is absurd to offer that price for any land if that can be used, as suggested for collective farming or for the purpose of settling people who are out of employment. If that has any value if that land can produce anything worth money; I submit that Rs.15 per acre is certainly no value for it. As I said and as my friend who has just sat down indicated it was intended to distribute this land amongst certain refugees from a neighbouring province who have come to this province owing to certain disturbances there. We know who are those refugees, we know that those refugees are all requested by the neighbouring province to go back and settle in their own villages in Behar and attempts are being made by the neighbouring Provincial Government for rehabilitation and that Government are sparing no money and effort to have them back and it is not known then why the benevolent Muslim League Government of Bengal want them here and do not want them to go back. They cannot find lands from their own community and they know that they can snatch away lands of the minority community because they have the power to wrest away the lands from the minority community and play drake and duck with them. That is a policy, Sir, which can never be adopted by any civilised Government in the world. This is a piece of legislation which on the face of it is meant for the exploitation of one community for the benefit of another. I do not think, Sir, that any honourable member who has got the public good in his heart, who has got the slightest idea of responsibility for democracy can vote for a measure like this. There ought not to be any legislation which will take away the lands from the people which they have kept for their own use. They have invented a new meaning of "public purpose" for the first time in this piece of legislation. If my honourable friends will look into the Land Acquisition Act, they will find that public purpose has not been defined in that Act save and except that public purpose has been mentioned to mean starting of model villages if any local Government would think it necessary to do so by issuing a notification in the Gazette. Because public purpose is wellknown and it does not require any definition but certainly sub-clause (*d*) and its sub-clauses cannot possibly by any stretch of imagination be brought within the definition of public purpose. Therefore a new meaning of public purpose is being given for the purpose of this special legislation. I submit, Sir, that one would have been able to appreciate the conduct of this Government if they would have come forward in a straight forward manner and say they wanted to take steps to take lands for the purpose of settling their own co-religionists who have come from Bihar. We could have sympathy for a measure like that but certainly the Government cannot possibly be allowed to go away with the idea that in this Council there are so many fools as they cannot understand or that they cannot realise or that they cannot appreciate the Government's motive, the pretect of certain public acts mentioned in the beginning—the purpose of afforestation of land, carrying out of irrigation or drainage schemes or the provision of sites for the setting up of model villages. All this camouflage is introduced with a view to conceal the real intention of this piece of legislation and I submit this is a fraud, a huge fraud, an attempted fraud on the legislators. There was absolutely no necessity for including these pretexts in the Bill if their real intention was to take away these lands from one community and parcel them out for the purpose of rehabilitating certain refugees from Bihar.

Then, Sir, another object that is also sought to be put forward as excuse is that the acquisition of waste lands is for the provision of livelihood of those who have been discharged from military service. Now, we have had another great war, large number of people were discharged from military service and Government had accommodated them and had found employment for them and they found lands for them for their cultivation, but never before was it ever contemplated that the lands of the people should be confiscated for the purpose of affording convenient means of livelihood for

*ex*-military men. This Government have absolutely no idea, I can dare say, for providing any means of livelihood for the discharged military men. Under cover of these clauses they are going to acquire land with a view to give them to their co-religionists and their brothers in faith and not for any real economic purpose, economic object, but obviously for a political purpose for securing or rather for increasing their percentage of population. Unfortunately in this country now-a-days the question of percentage of population has become very material and therefore, having got the power, this party government, this communal government, this League Government, are now usurping that power, abusing that power for achieving their nefarious political ends. The real and the substantial point for bringing up this Bill is, as everybody knows, though it is not frankly and clearly stated, is the provision of a means of livelihood for those who due to disturbances of the public tranquillity have become homeless or landless. Now, Sir, natural calamity has also been added as another cause for which this Bill proposes to acquire lands for provision for those who have been rendered homeless or penniless or landless owing to natural causes. Sir, from the creation of the human species people have been affected, seriously affected sometimes; they have become homeless and penniless and landless owing to natural causes. It is the case almost every year that in one part of India or another hundreds and thousands of people find themselves in that difficult position. It is not unfortunately the case in India alone but in every other country, Europe or America, natural visitations cause immense distress to the people but never before any civilized government in any part of the world ever thought of confiscating the land of one community for the means of livelihood for another community. I therefore submit that all these causes, the provision of sites or making the provision of livelihood for military *ex*-servicemen or for those who find themselves in a difficult situation owing to natural causes, all these causes are merely an eyewash, a hypocrisy, false objects deliberately put forward to mislead the legislatures. Then, Sir, the next item that is provided in the Bill as an object is defined under "public purpose", namely provision or intended provision for the *bargadars* and the landless labourers. My friend, Mr. Nur Ahmed, has just shed crocodile tears for these *bargadars* and landless labourers. They have been there and have been living by cultivation and they are actually having a share of crops from their landlords under whom they hold the land. They are there from before the Government thought of providing lands for the *bargadars*. They can by a stroke of their pen at once make these *bargadars* raiyats, make them tenants by a simple piece of legislation by saying that the *bargadars* should be regarded as tenants. They can make a provision in the law by saying that instead of paying a share of crops they would have to pay money rents. Thus they can solve the problem of *bargadars*. Till these disturbances which originated in Calcutta in August last and which latterly spread to the different parts of this province and other provinces and never before the time when the Government of Bengal thought of bringing in refugees from another province did this question of provision for the *bargadars* or the landless labourers became necessary. This is really curious. If you want to do a thing, do that thing straightforwardly, frankly and openly, so that one can understand if your motives are genuine, *bona fide* and are really helpful for a public purpose. But in order to cover your real intention by verbiage, by a false ground, by questionable methods, is more than one can tolerate. I would submit that the very object of this legislation if carefully scrutinised would be evident to anybody and perhaps it is known to every one that the idea underlying this Bill is not really the idea of promoting the public good but the idea is to promote communal interests, to promote the particular political interests of a particular party which happens to be in power at the present day. I submit, Sir, that no right-minded legislature, no honourable member of this House should give any support to this motive which is I should say most disgraceful.

Now, my honourable friend Mr. Amulyadhone Roy is perhaps not very much satisfied. Sir, with regard to the third purpose, namely, enabling a large scale farming on a co-operative basis, to be carried on, I submit that this also is another eyewash and a camouflage. So far as I know, in Russia, where the first attempts at co-operative farming were made, they had not the necessity to acquire land and acquiring land practically without any compensation. What they did was to ask the neighbouring landlords to agree to have their land, I mean, cultivable lands, cultivated by machines and then the crop gathered together and divided according to the areas of each holder. That is an easy method of trying collective co-operative farming and it is not certainly necessary that their lands should be taken away and taken away practically for nothing. Therefore, this is also another misleading object which the Bill provides for.

If you examine the other provisions of the Bill you will find throughout that there is a persistent and quite clear object, that this should be done not by any machinery of the law, not by the method of legal justice but by executive fiats. It is to be done practically under the rules to be framed under this Bill by the executive Government and therefore we find that any officer whom Government may choose for the purpose would have the discretion, unfettered discretion to do away with the rights of the people. There are provisions which would require consideration by experienced judges but the judges are never to be allowed to meddle with these things. Persons having even experience of executive work perhaps will not be allowed to meddle with these things. They will bring in people of their own nominee: they will bring in people whom they consider safe, who will do their job without consideration of law and justice or fairplay. I submit, Sir, that this is not the way in which peoples land is to be taken away and in which peoples lands are to be distributed pell mell among any of those whom the particular Government will choose. This is all negation of justice, all negation of law and all negation of fairplay. Now these are the main points which I would urge against the consideration of this Bill. I would, if you permit me, go into details about the other provisions of the Bill, but I think it would not be necessary for me to do so. The absurdity of the provisions of this Bill is apparent to anybody who will care to read between the lines. I have had occasion to say that this is absolutely unnecessary that if it is for a public purpose the law is already there—the Land Acquisition Act is there—under which you could acquire any land for really legitimate public purpose. You cannot be allowed to make out a new public purpose in this way. Specially in these difficult times when there is such a bitter communal feeling between the two communities in the province it would be height of folly to take away or intend to take away lands of one community for benefiting the other community. That will irritate and not soothe their feeling. That will not serve the purpose, that will not bring peace which is so essential at the present times; but that will serve the purpose of continuing this unrest in the country. I would ask the Hon'ble Minister in charge, I would ask the Government to consider, to think over these provisions in cooler moments and not be carried away by party feeling and party behest and make a display of bravado and be a champion of the Islamic Faith.

**Mr. ABDUL RASHID:** Sir, the question may now be put.

**Mr. LALIT CHANDRA DAS:** Sir, that cannot be, I object to it very strongly. The Bill is very dangerous: it covers 30 lakhs of acres of land. So I trust you will not allow the question to be put at this stage. There are many members on this side who are anxious to speak...

**Mr. PRESIDENT:** But practically all the member of the Opposition have spoken.

**Rai Bahadur JOGENDRA NATH ROY:** No, Sir, there are members on this side who want to speak. Nobody from this side has spoken.

**Mr. LALIT CHANDRA DAS:** This is not an important measure and heaven will not fall if this Bill is not passed immediately. On the other hand, Sir, 30 lakhs of acre of land of a particular community are involved in this Bill and we cannot allow this Bill to go unchallenged. The views of the Opposition should be fully heard.

**Mr. PRESIDENT:** Very well, I would allow one or two more members of the Opposition to speak, Rai Bahadur.

**Mr. JOGENDRA NATH RAY:** Sir, the partisan and reactionary League Majority of Bengal has had its way. With the help of "brute" majority behind it, it has rushed Bengal Acquisition of Waste Land Bill, 1947, through the Bengal Council in spite of vehement opposition of most of the non-League members of the House. The Ministry brushed aside the request made by us for circulation of the Bill for eliciting public opinion thereon. It had not the patience even to wait for a closer examination of the provisions of the Bill by the recommitting it to the Select Committee. A suggestion was made to postpone the consideration of the Bill till Bengal was partitioned. In reply to this our Revenue Minister said yesterday that he visualised one independent state in Bengal. Bengal with its brilliant past could not be subject to be controlled by another outside state, whether British or Indian. He believed in the future of Bengal would rest in the hands of the people. If I remember well his Chief Mr. Suhrawardy, once said "Bengal belonged to Bengalis and Bengal was indivisible and all were entitled to participate in its administration and he hoped that all sections of the people were determined to live and work for making Bengal a glorious land". Does it lie in the mouth of those who are communilising the services, languages and the culture of the province, those who are appointing Muslims from the Punjab to the Armed Police of Calcutta and supporting their appointments on the ground of communal ratio, those who want Pakistan Army in Bengal, those who are making the Muslim refugees from Bihar to suck up the moisture which ought to go to sustain the children of the province to say that Bengal belongs to Bengalis. In reply to an enquiry made by member of this side if it was Government's intention to settle non-Bengali Muslims, including the Bihar Muslim refugees on waste lands in Bengal to be acquired by the Government, our Hon'ble Revenue Minister said that he could not give an assurance for the simple reason that the population of Bengal did not consist of Bengalis alone. There are other persons who formed a part of the population." For humanitarin reason Government has given them shelter. But if at some time or other Bihar refugees become the responsibility of the Government of Bengal, no discretion would be made between them and Bengalis in settling land." Thus the Revenue Minister's definition of Bengal is one who is in Bengal—fortune-hunters from Persia and Sind to Muslims recruited from Bihar by Mr. N. M. Khan. The definition is not only elastic but also convenient for Pakistan purposes. We have seen how an organ of Pakistan had said almost immediately after the arrival of the Bihar refugees that because they were Muslims in distress and because Bengal was under a Muslim League Ministry, they had a claim. The most convenient course would thus be to settle them in West Bengal on waste lands which should be acquired by the Muslim League Government of Bengal for the interest of the Bihar refugees at the cost of the minority community. This scheme has been prepared with an ulterior motive behind the minds of the Government in sponsoring the Bill. Government want to settle Muslims to create a majority of Muslims in West Bengal so as to frustrate the move for partition taken by the people of Bengal. Their object is not to provide for the acquisition for public purposes of waste lands in Bengal, but their ultimate object is to provide the Bihar refugees with holdings and also to provide them with a means of livelihood. If the

Revenue Minister and his party would let their heart on establishing their own hegemony over the province, a regime in the chariot-wheels of the majority community the sinister move is sure to be foiled by the oppressed community. If their elementary rights are sought to be taken away the Hindus cannot be expected to take the challenge lying down.

We know that the Bill would be passed and they will brush aside our all objection. If it hears some of the criticisms it will hear with disgust. The Bill will not at all be modified in the light of the amendments or criticisms of the Opposition and it will emerge from the Council in the form in which it is now being presented.

The Revenue Minister may be surprised at the large number of amendments that have been put forward at the Opposition but he should not characterise it as a tactic adopted by the Opposition to delay the passage of the Bill. They do not seek to impede the progress of the majority but equally they cannot permit themselves to be crushed under their weight.

In conclusion, I would suggest the following points for taking into consideration and with a hope against hope I think that my request may be taken into the serious consideration.

(*a*) The benefit given under this Bill should be confined to the people of Bengal irrespective of community.

(*b*) The grazing grounds and the land surrounding the homestead of the proprietor and owner should be excluded from the operation of the Act.

(*c*) The Civil Courts should not be deprived of their jurisdiction and they should be the ultimate judges to decide disputed questions.

(*d*) In determining the amount of compensation it should be done under the Indian Land Acquisition Act and not under section 13 of the Bill.

(*e*) No special power should be exercised by the Collector under section 16 of the Bill.

(*f*) The final appellate authority should be vested in the Calcutta High Court.

(*g*) The Government should not deprive the owners of lands which are not actually waste lands and allow the right of pre-emption to the original owners to make settlement of such lands.

(*h*) The waste lands should be settled with the people of the same community amidst which the land is situated.

(*i*) The reasons, such as want of irrigation, drainage and embankment, etc., which causes large areas of cultivable waste lands in the province lying fallow, should have been removed by the Government and the Government should have given the chance to the proprietors and the immediate owners for the resumption of the waste land before their expropriation. Thus it would serve the purpose of object (*i*) in the Bill.

(*j*) Another object of the Government is the setting up of the co-operative system of farming and the introduction of mechanised cultivation. The Government has a large area of Khas Mahal land. Has the Government introduced so far any of these schemes to set an example for the private owners of the land to follow it.

(*k*) Such a measure can be undertaken in a free country, under a National Government, but the present Government formed by a separate electorate, under the Communal Award, can never be called National.

(*l*) All the ex-servicemen and the people who have been displaced from their holdings are not cultivators. Lakhs of educated middle class people have been deprived of their livelihood as ex-servicemen. What does the Government intend to provide them?

(*m*) The Bill proposes to resume cultivable waste lands on an expropriatory basis, which will make the middle-class population landless labourers and consequent discontent all over the country.

(*n*) The Bill in question, if passed into law, will deal a death blow to the entire middle section of the rural population who invested capital in land in the hope of getting profits thereof from generation to generation irrespective of communities.

With these words I vehemently oppose the consideration of the Bill.

**Mr. BANKIM CHANDRA DATTA:** Mr. President, Sir, the policy of all new legislation has always been and in my opinion, should always be primarily, to remove and redress any existing social or economic grievance of the people of a country and when such grievances could not be remedied by the existing laws of the land. If I am right in this enunciation of the policy of law may I request honourable members to coolly consider as to whether this particular bill conforms to this proposition or stand this test. If I may just for a minute, take the Preamble. The Preamble is "Whereas it is expedient to provide for the acquisition for public purposes of waste land in Bengal". We shall have to examine as to what are these waste lands and what on these public purposes for which these waste lands are proposed to be acquired and whether the existing law of the land is not sufficiently well for the purpose of acquisition of these lands. Sir, the next question before us is whether the Bill is meant to redress or relieve any existing social and economic grievance of the people and whether these social or economic grievances are such that the present law of the land is not able or is unable to effectively deal with them? As I have pointed out, the preamble does not help us. If we now go over to the Statement of Objects and Reasons, we find it stated that—"large areas of cultivable waste lands in the province have been lying fallow for a variety of reasons, such as want of irrigation, drainage, embankment facilities, neglect of the owners (I doubt this) or their incapacity to incur the necessary capital expenditure, depopulation due to malaria, etc. It is proposed to acquire and develop these lands with a view to utilise them for the following purposes among others, and the purposes have been very well defined. They are relieving the present excessive pressure of population on cultivable land and increasing the production of food-grains in the province, (2) settlement with ex-servicemen, people who have been displaced from their holdings, petty cultivators, *bargadars*, and landless labourers, (3) provision of model village sites with better agricultural facilities and sanitary arrangements so as to bring about an improvement in the standard of living of the cultivators (laudable object), (4) the setting up of the co-operative system of farming and the introduction of mechanised cultivation wherever possible, (5) afforestation and (6) irrigation and drainage."

Then it goes on: The only legal machinery now available for acquiring lands belonging to private persons is the Land Acquisition Act, 1894, which apart from the lengthy procedure involved is not suitable for large scale acquisition of this nature with the utmost expedition and on payment of a reasonable compensation. It is therefore considered necessary to have a special legislation or legislative measure enacted for this purpose. Nowhere in this Statement of Objects and Reasons there is any mention of settlement of land with any person or persons, etc., as an object of this Bill. Then I would request honourable members to bear in mind, that the only reasons for introducing this Bill as suggested in the Statement of Objects and Reasons are that although the Land Acquisition Act is good enough and covers all the purposes of the present Bill it involves a lengthy procedure and that the compensation indicated in that Act is not reasonable. For these purposes, I dare say a short Bill could have been introduced and not this long and mischievous Bill. I say mischievous in view of the definition of "waste land" and "public purposes", in this Bill "waste land" has been defined to

include any land which has been lying uncultivated from before 31st January, 1947. The words "uncultivated" or "fallow" are more or less relative terms in the sense that what is fallow or uncultivated to-day can be cultivated or can be made cultivable and fertile to-morrow. If Government is really keen on its campaign of grow more food, surely this is a Bill which will militate against that idea. You are asking the people to grow more food, that is to say, to put under cultivation a larger acreage of land in his possession but where would they find these lands, if you by this Bill take away these lands from his possession and that for a song. One fails to understand as to why Government should suddenly change their opinion and practically rob these owners of these lands—lands which were and are in their possession for generations—lands which they hold so dear? Is it because the Government want to attain its political objective, namely to settle the lands with the Muslims (the Bihar refugees) in Western Bengal —in other words to *pakisthanise* Western Bengal, where the Muslims are in a minority. To serve one community at the expense of another community should never be the objective of any popular Government which it claims to be. Then Sir, think of the great Damodar Valley Scheme. Only the other day our Chief Minister had been to Delhi to negotiate with the Central Government in this connection and what was the idea and what was the object? To irrigate a good portion of our uncultivable land, make it possible for the people of the country to bring under cultivation lands which were not and could not be made cultivable. Why should you by this piece of legislation take away the benefits which the owners of these lands would have otherwise been entitled to? Surely, to my mind it is an act of sacrilege, an act which no Government worth the name should conceive of unless it is a communal Government bent on achieving its political objective. Sir, it is clear the basic idea or objective which has been suggested in the Statement of Objects and Reasons has not in fact been attempted to be carried out in this Bill. There is no present pressing economic or social grievance from which the people of this province is suffering and which could not be cured by the Land Acquisition Act. Why, therefore, should this Bill be taken into consideration? Sir, I shall not discuss about the question of the Bill for the abolition of zemindaries in East Bengal and in West Bengal as well, as it has for its objective the general good of the people in general. I can understand the idea underlying that. But what is the idea underlying this piece of legislation. Why should Government, by this Bill take away the lands of the middle classes of West Bengal and to serve whom? What purpose are you going to serve unless, if I may say so, a political purpose of their own party? This is a double-edged Bill. It attempts to weaken the middle classes of the West Bengal by taking these lands away from them and settle them with the Muslims from Bihar and thereby give the Muslim community a majority in that part of the province. It is from this stand point that one should test the *bona fides* of this Bill. Is it a legislation which is wanted by the people of this country? Was it necessary for the benefit of the people in general? The only answer is "No".

Now, just for a moment I shall draw your attention to the definition of "public purpose". My friends have dealt with it but I would only touch one aspect and that is this. Sir, I have never heard that settlement of lands with a particular person can by any stretch of imagination be called a public purpose. One man however big cannot be glorified into being called the public. I fail to understand how could settlement of lands with any person can be deemed to be a public purpose. You know, Sir, that no legislation has so far attempted to define the word "public purpose" and that certainly for good reasons. Public purpose is a public purpose. The dictionary meaning of "public purpose" cannot by a piece of legislation like this be twisted and made to give an entirely different and narrow meaning. Sir, these little things betray the want of *bona fides* of the sponsor of this Bill. I do not mean him personally but I mean his Government. And

then, Sir, while dealing with sub-clause (4)(*d*) of clause 2 of the Bill under the definition of "public purpose" I would just read (*d*) "the settlement of land with any person or persons (*i*) in order to provide them with a means of livelihood if they are without such a means of livelihood as a result of discharge from military service, the operation of natural causes or circumstances, such as disturbances of the public tranquillity, over which they have no control". You would find, Sir, that these public purposes had not been included in the Statement of Objects and Reasons given in the Bill. The surreptitious introduction of this clause in the body of the Bill and at the tail end of the section, to evade detection, betrays the real object of the Bill and its mischievous object. Nowhere have they stated in the Statement of Objects and Reasons, nowhere have they contemplated that they wanted to settle these lands with particular persons for these purposes. Why, this significant silence about this object in the statement and why this surreptitious addition of this object towards the tail end of this clause—for attaining a political objective, to *pakisthanise* Western Bengal by importing Muslims from the neighbouring Hindu majority province of Bihar? That betrays their sinister motive—and a deep laid plan is being carried out.

**Mr. NAGENDRA NATH MAHALANOBISH:** Sir, may I draw your attention to the cooling system which I think has failed and we on this side are feeling very hot.

**Mr. BIREN ROY:** The temperature is not going down.

**Mr. NAGENDRA NATH MAHALANOBISH:** It is going up, I feel.

**Mr. BANKIM CHANDRA DATTA:** You would thus find, Sir, that it is the introduction of this clause which has opened the eyes of all sane people and betrayed the mischievous motive behind the Bill. As regards sub-clauses (*d*)(*ii*) and (*d*)(*iii*) I think these are matters which could well have been provided for under the Land Acquisition Act. And, as you know, Sir, in connection with the post-war development plans in other provinces the Government there are carrying out these self-same objects but in a different way. They are trying to see that the cultivator gets his due share and benefit in the development scheme. The cultivators there are provided with implements, they are provided with cash, they are provided with every necessary thing to enable them to carry on cultivation, to grow more food and thus to improve their standard of living. Sir, a legislation with this ulterior motive is unique and I feel that Government should be well advised not to proceed further with this Bill. This sinister motive has been further evidenced by the provision as to compensation and that is the amount of the compensation. What are you going to give to the poor owners of the land in return for the acres which you are receiving from them merely for a song, so to say? Is that any consideration—only Rs. 5, Rs. 10 per acre, is that any consideration at all? These people have been holding these lands perhaps for generations and in some cases, paying some rent in respect of these holdings. Can any Government feel that it is just and reasonable to pay only Rs. 10 per acre compensation? I was fortunately not a member of the Select Committee, but I am told that one member, I think Mr. Morgan, suggested that the rate should be Rs. 150 per acre, but what has been the result of that? The Select Committee turned it down. But the very idea of trying to get land for such a nominal consideration shows Government's inclination to take the lands for nothing and utilise them as best as they can to satisfy their political ends; nothing more than that. To my mind it appears that this is a sort of legalised plunder, legalised loot of private property, of the poor landowners, who have been occupying these lands possibly for one hundred or two hundred years. What justification is there for doing

so? What is the idea of Government in taking away these lands and on this scale of compensation? It is indeed in the nature of an expropriatory legislation and really it is to avoid being hit by section 299 of the Government of India Act that Government have mentioned a nominal amount. Sir, if this point is ever taken to the High Court, a Judge will have no hesitation in declaring it as fraud on law. Helpless legislators as we are, being in a minority, it is not possible to make ourselves heard effectively and felt effectively. But at the same time I humbly and respectfully warn the Hon'ble Minister in charge to ponder over this matter coolly and dispassionately and not proceed with it. It may lead to trouble, who knows. There are the communal troubles and there are troubles ahead. I would request him (Hon'ble Minister) not to create unnecessary troubles. The League Ministry have succeeded in infusing that feeling of hatred among the masses with their two-nation theory. They have told the Muslim masses that Hindus are not their friends and they have nothing in common with the Hindus. The top ranking men say why should there be this quarrel and why should there be fratricidal wars. But have they convinced the masses in whom they have infused the views of two-nation theory, that Hindus are their brothers and that they must have to live with them together as brothers? On the contrary have not they really preached in the countryside that Muslims are to be regarded as a different nation from the Hindus, and such slogans as "*Larke lenga Pakisthan*". So it is no good simply talking here and outside that they, Hindus and Muslims are all brothers and so on and so forth. They have got to go there over again eat their own words and preach them effectively amongst the masses in the countryside and substantiate it by their own conduct and action. Go to the countryside and tell them that your two-nation theory is wrong—that there is no object in this fatricidal war by which nothing can be done—nothing can be achieved.

**Mr. PRESIDENT:** Mr. Dutt I hope you will come back to the motion before the House.

**Mr. BANKIM CHANDRA DATTA:** Well, Sir, I do not know whether I am following the peroration of Mr. Nur Ahmed——

**Mr. PRESIDENT:** Mr. Nur Ahmed is difficult to follow; but we can follow you.

**Mr. BANKIM CHANDRA DATTA:** Sir, I am not encroaching upon the time of the Legislature. But I am trying to convince the Hon'ble Minister that he should not go on with a Legislation of this character as it would embitter the feeling that is already very bitter. At the same time what is the good which you can get out of this legislation? So far as the Bihar refugees are concerned they are going back to Bihar. The Bihar Government is doing everything possible to get them back. Therefore for whom are you acquiring these lands? For whom? And why should you distribute these lands to persons of your liking and of your party and deprive others of their due rights. Sir, with these words I would request the Hon'ble Minister to withdraw this Bill.

**Mr. SATISH CHANDRA SEN:** Sir, I want to speak.

**Mr. ABDUR RASHID:** Sir, the question be now put.

**Mr. LALIT CHANDRA DAS:** Sir, Mr. Sen was billeted for 5 minutes.

**Mr. PRESIDENT:** I think the matter has been sufficiently discussed. Mr. Sen, out of three members of your party two have already spoken. So, I would accept the motion that the question be now put.

**Mr. BIJOY SINGH NAHAR:** Sir, it is a serious matter.

**Mr. PRESIDENT:** Yes, it is a serious matter, but I have to come t a decision.

The question before the House is that the motion be now put.

The question was put and Division taken with the following result:—

**AYES—25.**

Mr. Abdulla-al-Mahmud
Mr. Nur Ahmed
Mr. Syed Badrudduja
Rai Bahadur Dhirendra Lal Barua
Mr. Reajuddin Bhuiya
Mr. Moazzem Hossain Chaudhury
Mr. Hamidul Haq Chowdhury
Khan Bahadur Abdul Latif Chowdhury
Mr. Syed Fazle Rabbi Chowdhury
Mr. Yusuf Ali Chowdhury
Mr. E. D. Doyne
Mrs. Labanyaprobha Dutta
Mr. A. M. Shahoodul Haque
The Hon'ble Mr. Saiyed Muazzamuddin Hosain
Mr. Mobarak Ali Khan
Mr. Abdul Latiff
Mr. Abdul Majid
The Hon'ble Mr. Tarak Nath Mukerjea
Khan Bahadur Mukhlesur Rahman
Mr. Abdul Rashid
Mr. Amulyadhone Roy
Dr. Kasiruddin Talukdar
Mr. Md. Taufiq
Khan Sahib Moulvi Wahiduzzaman
Haji Md. Yusuf

**NOES—13.**

Mr. Lalit Chandra Das
Mr. Bankim Chandra Datta
Mr. Satish Chandra Jana
Rai Bahadur Brojendra Mohan Maitra
Mr. Nagendra Nath Mohalanabish
Mr. Bijoy Singh Nahar
Rai Bahadur Jogendra Nath Ray
Mr. Biren Roy
Mr. Biswanath Roy
Mr. Patiram Roy
Mr. Birendra Kishore Roy Chowdhury
Mr. Charu Chandra Sanyal
Mr. Satish Chandra Sen

The Ayes being 25 and the Noes 13 the question was carried.

Now the time is practically up. Under the Rules the Chair can allow he Minister in charge to reply if he wants to exercise his right of reply . propose to give him the right to-morrow.

**Mr. LALIT CHANDRA DAS:** How can it be to-morrow, Sir? It nust be on Monday. To-morrow is a non-official day.

**Mr. PRESIDENT:** I shall allow the Hon'ble Minister to exercise his ight of reply on Monday, if he wants to reply.

**The Hon'ble Mr. FAZLUR RAHMAN:** To-morrow being a non-official ay and also because the Bill is very urgent I do not like to exercise my ight of reply.

**Mr. PRESIDENT:** Very well. I will then put the main question.

The question before the House is that the Bengal Acquisition of Waste and Bill, 1947, be taken into consideration.

The question was put and a Division taken with the following result:—

**AYES—24.**

Ir. Abdulla-al-Mahmud
Ir. Nur Ahmed
Ir. Syed Badrudduja
ai Bahadur Dhirendra Lal Barua
Ir. Reajuddin Bhuiya
Ir. Moazzem Hossain Chowdhury
Ir. Hamidul Huq Chowdhury
han Bahadur Abdul Latif Chowdhury
Ir. Syed Fazle Rabbi Chowdhury
Ir. Yusuf Ali Chowdhury
Irs. Labanyaprobha Dutta
Ir. A. M. Shahoodul Haque
The Hon'ble Mr. Saiyed Muazzamuddin Hosain
Mr. Mobarak Ali Khan
Mr. Abdul Latiff
Mr. Syed Abdul Majid
The Hon'ble Mr. Tarak Nath Mukerjea
Khan Bahadur Mukhlesur Rahman
Mr. Abdul Rashid
Mr. Amulyadhone Roy
Dr. Kasiruddin Talukdar
Mr. Md. Taufiq
Khan Sahib Moulvi Wahiduzzaman
Haji Md. Yusuf

**NOES—12.**

| | |
|---|---|
| Mr. Lalit Chandra Das | Rai Bahadur Jogendra Nath Ray |
| Mr. Bankim Chandra Datta | Mr. Biren Roy |
| Mr. Satish Chandra Jana | Mr. Biswanath Roy |
| Rai Bahadur Brojendra Mohan Maitra | Mr. Patiram Roy |
| Mr. Nagendra Nath Mohalanabish | Mr. Charu Chandra Sanyal |
| Mr. Bijoy Singh Nahar | Mr. Satish Chandra Sen |

Ayes being 24 and Noes 12, the motion was carried.

**Mr. PRESIDENT:** The House is adjourned till 2-15 p.m. to-morrow.

## Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 2nd May, 1947.

## Members absent.

The following members were absent from the meeting of the Council held on the 1st May, 1947:—

(1) Mr. Sultanuddin Ahmed.
(2) Mr. L. P. S. Bourne.
(3) Khan Bahadur Syed Abdur Rashid Chowdhury.
(4) Mr. Abdul Hamid Chowdhury.
(5) Mr. Hemendra Kumar Das.
(6) Mr. Kamini Kumar Dutta.
(7) Khan Bahadur Sheikh Fazal Ellahi.
(8) The Hon'ble Mr. Abdul Gofran.
(9) Mr. Mungturam Jaipuria.
(10) Alhadj Khan Bahadur Sheikh Muhammad Jan.
(11) Mr. Humayun Z. A. Kabir.
(12) Mr. George Morgan, C.I.E.
(13) Khan Bahadur Ghyasuddin Pathan.
(14) Dr. Kumud Sankar Ray.

WBGP-48/9-1060A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session, 1947—No. 37.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 2nd May, 1947 at 2-15 p.m. being the 37th day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTIONS AND ANSWERS

### Ration shops in Calcutta.

**110. Khan Bahadur, A. M. SHAHOODUL HAQUE (on behalf of Khan Bahadur SYED ABDUR RASHID CHOWDHURY):** Will the Hon'ble Minister in charge of the Department of Civil Supplies be pleased to state—

(a) the number of ration shops other than Government ration shops in Greater Calcutta;

(b) how many of them belong to—

(i) Caste Hindus,
(ii) Scheduled Castes, and
(iii) Muslims;

(c) if the communal ratio has been adhered to in making these allotments; and

(d) if not, why not?

**The Hon'ble Mr. ABDUL GOFRAN:** (a) and (b) A statement is placed on the Table.

(c) and (d) Up till now there has been no decision that the Communal Ratio Rules should be applied in the selection of ration shops. The principle which has been consistently followed up to date has been that of maintaining the existing trade channels. In selecting ration shops our choice was therefore confined to persons who had already been in the trade for at least a period of 12 months prior to the introduction of rationing. The financial standing of the applicant and his past record had also to be taken into consideration. Subject to these considerations Muslim shops were selected as far as possible in areas predominantly Muslim and Hindu shops in areas predominantly Hindus.

*Statement referred to in reply to question No. 110 of ration shops in Greater Calcutta.*

| Serial No. | Variety of shop. | Number of shops owned by—. | | | | Total. |
|---|---|---|---|---|---|---|
| | | Caste Hindu. | Scheduled Caste. | Muslim. | Others. | |
| 1 | Appointed retailers shops | 814 | 106 | 207 | 7 | 1,134 |
| 2 | Cloth rationing shops .. | 414 | 36 | 175 | 34 | 659 |
| 3 | Mustard oil shops .. | 221 | 27 | 20 | 8 | 276 |
| 4 | Kerosene oil shops .. | 430 | 13 | 68 | 14 | [illegible] |
| | | 1,879 | 182 | 470 | 63 | 2,594 |

**Mr. LALIT CHANDRA DAS:** Is it not a fact that Communal Ratio Rule applies to appointment only?

**The Hon'ble Mr. ABDUL GOFRAN:** Yes, the Communal Ratio Rule is framed for observance in cases of appointments to services; but as far as possible justice might be done to all communities in the case of distribution of ration shops and for this reason it is necessary that Communal Ratio Rule should also be applied in such cases.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister be pleased to state whether it is not a fact that in Calcutta non-Muslims form 78 per cent of the population?

**The Hon'ble Mr. ABDUL GOFRAN:** It may be—possibly it is.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister be pleased to state whether Communal Ratio Rule should not be observed, according to what has been said by him just now, and ration shops should be distributed according to the population basis of Calcutta?

**The Hon'ble Mr. ABDUL GOFRAN:** It is not possible to observe the Communal Ratio Rule strictly in Calcutta because it has been found that in areas where Muslims predominate Hindus do not like to have shops and in areas where Hindus predominate Muslims do not like to have shops, since the August disturbances.

**Rai Bahadur JOGENDRA NATH ROY:** How many Muslim ration shops there are in Calcutta?

**The Hon'ble Mr. ABDUL GOFRAN:** I have answered that in the statement.

## Adjournment motion.

**Mr. HARIDAS MAZUMDAR:** Sir, I have got an adjournment motion.

**Mr. BIJOY SINGH NAHAR:** Sir, may I mention as to what has happened to the distribution of curfew permits to us?

**Mr. PRESIDENT:** Let this matter be finished first.

**Mr. HARIDAS MAZUMDAR:** This adjournment motion is in regard to the strike of the primary school teachers of Bengal and failure of the Government of Bengal to tackle the situation.

**Mr. PRESIDENT:** What is the urgency about this matter?

**Mr. HARIDAS MAZUMDAR:** No, Sir, these poor teachers met in a conference recently and pointed out that the Government were not at all sympathetic towards them and so they have been compelled to suspend the strike temporarily.

**Mr. PRESIDENT:** So, there is no strike now?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** No, Sir, there is no strike now. They have suspended the strike indefinitely.

**Mr. HARIDAS MAZUMDAR:** Sir, the point is this: the strike has been suspended temporarily. Sir, the conference of the primary school teachers of Bengal after giving the careful consideration to the letter written by the Government to the president, etc., expressed the opinion that they received an unsympathetic attitude from Government in not meeting some of their demands when they put forth and so they have been forced to suspend the strike temporarily. They have appointed a negotiating committe: So, I want to know from Government what steps they are going to take in regard to this matter.

**Mr. PRESIDENT:** So, Mr. Mazumdar, on your own admission there is no strike and therefore this adjournment motion is clearly out of order.

**Mr. HARIDAS MAZUMDAR:** Today, there is no strike but at the time when I gave notice the strike was there. So, I would ask the Government to state what steps they are going to take in this matter.

**Mr. PRESIDENT:** That is a different matter. If the Government is so inclined they can supply you with the information. That has nothing to do with this motion. I refuse my consent to it.

## Non-official Business.

**Mr. LALIT CHANDRA DAS:** It is the usual practice, Sir, to take up Bills on one Friday and motions on another Friday. On last Friday we had resolutions and this Friday we should have non-official bills. I cannot understand how motions under rule 112 came in to-day. It appears from the notice that has been served upon us that you consulted the Leader of the House in this matter and decided that motions under rule 112 should be taken up to-day. We were not even invited to such a consultation so that we could have put our point of view that non-official bills should be taken up to-day instead of motions.

**Mr. PRESIDENT:** There is no such hard and fast rule that motions, resolutions and bills must be taken up on alternate days. There were so many motions under rule 112, so in consultation with the Leader of the House I decided that those motions should be taken up to-day and also because of the fact that we had non-official resolutions on the last Friday.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** If there had been any such convention or practice as referred to by Mr. Das I would not have been taken into consultation in this matter and the very fact that I was consulted in the matter shows that there is room for alteration and to change this convention, if at all there was any such convention.

**Mr. LALIT CHANDRA DAS:** I still say that that is the convention, so far as I remember. I have been here 10 years and so far as I remember it was always observed very generally. In any view of the matter as you consulted the Leader of the House, Sir, we expected, Sir, that this side, I mean the Leader of the Opposition would have been called in so that he could give his opinion whether motions under rule 112 should be taken up on this Friday.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** These resolutions under rule 112 were fixed on several days, on several Fridays but the House was adjourned on those days on one ground or another, for obituaries or some other reasons. Thus they were held up for a very long time and we thought it proper that they should come up just after the non-official resolutions fixed for last Friday.

## Curfew permits for Members.

**Mr. BIJOY SINGH NAHAR:** On a point of privilege, Sir. The other day the Hon'ble Minister in charge of Law and Order promised to supply members of this legislature with curfew permits but uptill now we have not got them. What is the position, Sir? Shall we get them or the promise was a hoax?

**The Hon'ble Mr. MOHAMMED ALI:** Sir, I am surprised that Mr. Nahar terms it as a hoax. The point is this. In consultation with the Commissioner of Police arrangements have been made for the issue of curfew passes to members of the Legislature. A list of members was handed over to us by the Chief Whip of the Opposition and the list has at once been

forwarded to the Police Commissioner for necessary action. I do not know what is the reason for the delay, but I shall have the matter expedited and I hope curfew permits will be given to the members tomorrow or the day after.

**Mr. BIJOY SINGH NAHAR:** Yesterday we enquired into the matter and we came to learn that curfew permits will be issued only to those members who possess their own cars, *i.e.*, to say only car permits will be given. We discussed this matter the other day in this House and we requested that curfew permits should be given to all the members irrespective of whether they owned cars or not. May I know what is the position?

**The Hon'ble Mr. MOHAMMED ALI:** I also believe it was the desire of the House that curfew permits should be issued to individual members of the legislature and accordingly instructions have been issued.

## Address Motions.

**Mr. PRESIDENT:** Motions under rule 112 of the Bengal Legislative Council Procedure Rules. Yes, Mr. Nur Ahmed.

**Mr. LALIT CHANDRA DAS:** Will he be speaking again, Sir?

**Mr. NUR AHMED:** I shall reply to the debate.

**Mr. LALIT CHANDRA DAS:** But the discussion has not yet been finished.

**Mr. PRESIDENT:** I understand Mr. Nur Ahmed has already spoken on this motion of his.

**Mr. CHARU CHANDRA SANYAL:** Sir, I rise to oppose the motion. This is not the time to place such a motion before this House or before the Legislature, because formerly there was some agreement between the Saadullah Ministry and Mr. Bardoloi, probably in 1945, that those persons who were enjoying the lands from before 1938 should not be evicted and others would be evicted according to their formula. Sir, this agreement was afterwards rejected by the Muslim League Council and the result was the direct action that we are visualising or witnessing today. Instead of negotiation the talk of occupation by force, by might, is taking shape. There have been killas, Pakistan killas, where there are innumerable volunteers on the border of Assam to give effect to their own idea that is of occupying those lands by force. This has given rise to a new situation. Probably this motion was tabled at a time when this situation did not arise. Lately Sir B. N. Rao tried to bring about a compromise; that also has failed and again the question of negotiation has cropped up and we may say that although it is not inside the courts, yet it may be called *sub-judice*, and it is not proper at the present moment to pass any opinion or to appeal to His Excellency the Governor of Bengal to make a representation to the Government of India to stop these evictions and so on and so forth. I think that if this is done at this moment the agreement may be prejudiced. The talks that are going on again between Mr. Baidyanath Mukherjee and Mr. Saadullah may bear some good fruit. It is therefore better that we should remain silent on this issue and let the matter take its own course. If it takes a worse turn, then of course an appeal may be made to stop evictions or to do anything that seems more congenial to the community concerned. Probably there was a statement today made by Mr. Baidyanath Mukherjee calling upon Mr. Saadullah to convince his followers so that the agreement reached in 1945 may not be thrown back and I think such an opportunity may be given and we must not at the present moment raise any question that may defeat such an agreement. That is why I request the mover not to press this motion but to wait in patience and see what happens afterwards. With these words I oppose the motion.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Mr. President, Sir, ordinarily in motions of this nature the Treasury Benches remain neutral but, Sir, the particular motion before us is of such far reaching effect that I should like to say something, not as a member of the Cabinet, but in my personal capacity regarding the eviction policy of the Government of Assam——

**Mr. LALIT CHANDRA DAS:** On a point of information, Sir. Can a Minister of Government say that he will speak in his personal capacity and not as a member of the Cabinet in the House?

**Mr. PRESIDENT:** I quite agree with you Mr. Das. I do not think the Hon'ble Minister can speak in his personal capacity since he is holding office in the Government—

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Even then, Sir, I shall speak as a Minister on the impropriety in which things are drifting in Assam. The remarks and comments of most of the members of the Opposition are so divorced from actual facts and so very inconsistent with those avowed profession or even actions in similar cases in far off distant lands, that it is necessary that their attention should be drawn to them. Sir, the honourable leader of the opposition has in opposing the motion made a forceful but, an apparently illogical speech the sum and substance of which is that we should not meddle in the affairs of another autonomous province and must take lying down any oppression, tyranny or indignity that may be hurled on our Bengali immigrants there. Sir, it is very amusing to find the advocates of Akhand Bharat laying so much stress on provincial autonomy. According to the sermons inflicted on us on the subject of autonomy of provinces not only by the leader but also his lieutenants, one province should have nothing to do with what happens in another adjoining province and there should not be even an appeal to All-India for redressing any grievance which one province may have against another——

**Mr. LALIT CHANDRA DAS:** Why do you want to go to Centre? You want Sovereign Pakisthan for Bengal?——

**Mr. BIJOY SINGH NAHAR:** On a point of information, Sir. May we know what grievance we have against Assam?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** I will be saying just now, wait. If this be the position of autonomous provinces in India, it will be not merely a contradiction in terms of Akhand Bharat but an absolute negation of it. Sir, according to our friends opposite, it is a sin and a crime to take note of unjust and unfair treatment or inhuman treatment perpetrated in an adjoining province but it is highly patriotic to urge India Government to defend the rights of Indians in a far off country in another continent——

**Mr. LALIT CHANDRA DAS:** On a point of order, Sir. Is it not a Ministerial impropriety of a Minister of one Government to comment upon the policy of another Government relating to their land settlement policy?

**Mr. PRESIDENT:** That is not the practice of this House.

**Mr. LALIT CHANDRA DAS:** Is he to be permitted to violate the practice——

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** A case like this was never before the House before.

**Mr. PRESIDENT:** Mr. Muazzamuddin Hosain, may I just tell you that it is the invariable practice of this House and so far as I know of the Legislature in Bengal not to criticise the policy of another Government. So, it is better to avoid any observation on those lines.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Sir, some criticisms will have to be made otherwise——

**Mr. LALIT CHANDRA DAS:** Sir, he cannot speak in that vain so long as he is a Minister——

**Mr. PRESIDENT:** Order, order. He can only speak as a Minister but the matter must be left to his discretion.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** I take the full responsibility. Now, Sir, I am personally aware how in the early part of the current century the Bengali cultivators were encouraged to go to Assam and to clear its jungle by offering various privileges. I have myself seen the advertisements sent officially by Assam Government inviting Bengali immigrants to Assam. During the last 40 years nearly 10 lakhs Bengali immigrants have settled in Assam. They risked their lives in clearing the jungles and they died in hundreds and thousands of malaria and kala-azar in doing so. Now that very large tracts of jungles have been reclaimed and converted into valuable crop-bearing lands the Assamese have become jealous of them and would not be content by merely preventing further immigrants, but must turn out even those who are in actual possession after building households, tanks, mosques and schools in the area, in spite of the fact that millions of acres of unreclaimed jungle lands are still available in Assam not only for their cattle but also for the future generations of Assamese. Sir, in 1943, while attending the Gregory Food Grain Committee at Delhi I had raised the question why in spite of the serious food shortage confronting us Assam was not allowing the huge jungle area which was ready for the plough to be reclaimed. I was then informed by the European representative of Assam that a liberal policy was adopted for giving lands to the Bengali immigrants and Assam was congratulated by the Committee, but ultimately it turned out to be a hoax and it was found that far from allowing new jungles to be reclaimed Assam was following the relentless policy of evicting even those who had settled down after building houses. (Mr. LALIT CHANDRA DAS: Question. The Assam Government have already given 28,000 acres of land to Bengali immigrants.) No. Now, Sir, in these days of acute food shortage not to allow even cultivated lands to grow food crops is a crime and a sin not only against the immigrants, but against humanity and yet our kind-hearted patriotic friends over there would like us not to have anything to do with that.

Then, Sir, how is the inhuman compaign against the immigrants being carried on? The so-called encroachers with their families—women and children—are being physically turned out with the help of armed police and military after levelling down their households through elephants. No judicial finding is necessary nor any decrees for turning out the trespassers. Here in Bengal as in all other parts of the civilised world a decree of a Court is necessary even to evict a trespasser even if he be a criminal trespasser in possession, but the jungle law of Assam which may as well be called the lawless law.....

**Mr. LALIT CHANDRA DAS:** On a point of order, Sir. The other day when the Bihar question came up even the Chief Minister did not refer to Bihar in spite of the riots taking place there and you also ruled that we should not touch Bihar. That was your ruling. This is the established practice of this House and this Minister is violating that principle which even the Chief Minister did not do.

**Mr. PRESIDENT:** Mr. Muazzamuddin Hosain, you are creating a very unhealthy and undesirable precedent, I can tell you. You are treading on a very dangerous ground. It may suit your purpose on this occasion but I am sure Government will be in difficulty in future. So, my advice to you would be not to speak on these lines.

**Mr. LALIT CHANDRA DAS:** He has said jungle laws of Assam.....

**Mr. SATISH CHANDRA SEN:** Sir, let this portion be expunged.

**Mr. LALIT CHANDRA DAS:** Let him resign the post of Minister and speak as an ordinary member of the House.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Not at your bidding.

**Mr. PRESIDENT:** I hope you will modify your speech. If you want to criticise the Assam Government you may do so in other way. But not in this way.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Sir, I was going to say that Assam Government is following an unsympathetic policy. Here in Bengal we have often to deal with encroachers and what is our procedure. I would in this connection refer the honourable members to my reply as Revenue Minister to a question put in this House regarding the so-called eviction of some encroachers from some khasmahal lands of Nowpara in the Nadia district last year, and, the obligation was that Hindu tenants here being evicted and replaced by Muslims. That was the allegation. I at once called for a report from the Collector of the district and being not satisfied with that alone. I sent the Divisional Commissioner himself to go to the locality and to report on the whole matter and to see that the law was strictly followed.

**Mr. BIREN ROY:** On a point of order, Sir. Can an Hon'ble Minister speak something which is not the correct thing and also because of the fact that the Assam Ministry is not criticising this ministry.

**Mr. SAIYED MUAZZAMUDDIN HOSAIN:** The Divisional Commissioner made a full report and laid down definite lines of dealing with those encroachers who refused to take settlement of those Khas Mahal lands in spite of Government offer. Even such refractory encroachers were not ordered to be summarily evicted, but to be proceeded against through the civil court. Previously a few criminal cases were instituted against some of the encroachers for trespass only and as some of the people against whom trespass cases were instituted left the land they were settled with the diluviated tenants of the neighbouring Khas Mahal area. The Commissioner's definite order was not to proceed with the criminal cases, instituted against trespassers but to seek redress in the civil court for ejecting the trespassers. Though they were trespassers we had to move the civil and only on getting a decree of ejectment we could evict them and introduce other tenants—not in an arbitrary manner in which Assam has been doing. If Assam had been evicting the immigrant tenants through the civil courts I would have no objection to that. There are still some millions of acres ready for the plough but even in these days of food shortage in the whole world these lands are not only not being reclaimed but even those lands, which were reclaimed were not allowed to be cultivated.

**Mr. LALIT CHANDRA DAS:** The Hon'ble Minister is making an incorrect statement; the lands are being reclaimed in Assam.

**Mr. PRESIDENT:** Mr. Das, don't interrupt the Hon'ble Minister very often please. He has got the right to speak and to present facts according to his knowledge.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Let our friends opposite place their hands on their breasts and look at the picture here and that in Assam and say if they are satisfied with what is taking place in Assam. If they think as human beings and not even as members of this legislature that they should sit tight and do nothing to stop the intolerable sufferings to the Bengalee immigrants, and if they do so I

will take and the world at large will take it that their hostile attitude is due to the fact that the majority of the evictees are Bengalee Muslims. I have finished my [illegible] Sir, all that I can say on behalf of Government is that the [illegible] of the House on this motion, as is usual in the case of motions under rule 112, will be submitted to the Governor in due course.

**Mr. LALIT CHANDRA DAS:** Sir, may I point out that the proceedings of this House on this motion should not be sent to the Governor and then from there to the Central Government, if not for any other reason at least for this reason, Sir——

**Mr. PRESIDENT:** It cannot be decided by the Chair. It is for the House to decide by voting whether this resolution should be sent to the Governor or not.

**Mr. LALIT CHANDRA DAS:** On a point of order, Sir. This is an address motion. The address is to whom? It is to be given to the Governor. And for what? It will be forwarded by him to the Governor-General. When it is a matter of address to the Governor there must be unanimity. But here there is no unanimity in the House and there is some difference of opinion. Such an address should not be sent to the Governor. It will just confuse Sir, Frederick Burrows and he should not be made the medium of sending these things to New Delhi. There is no unanimity in this and there is difference of opinion and this address motion should not be sent.

**Mr. ABDULLA-AL-MAHMUD:** It will be decided by the House to send it or not. No individual opinion can count.

**Mr. PRESIDENT:** Mr. Nur Ahmed.

**Mr. NUR AHMED:** Mr. President, Sir, I would like to say a few words very briefly. The leader of the House has already replied to some of the points and I would only reply to two. This motion, has been objected to on two main grounds, namely, that affairs of another province in these days of autonomy should not be discussed by the legislature of another province, and that the centre should not be asked to interfere in the affairs of an autonomous province. Sir, if these two principles are followed, then I think we are not entitled to call upon the centre to ask the South African Union not to discriminate by its legislation affecting the Indians there. On what principle then can the Government of India interfere with the affairs of an independent sovereign State like South Afraca? The ground is very simple, namely, because the immigrants who are affected by such laws happen to be Indian. So I think the Government of Bengal have got some right to look into the interest of the immigrants from Bengal who have gone to Assam for their livelihood and have settled there. On that ground I think we will be justified in appealing to the Central Government in a matter which concerns the welfare of Bengalee immigrants who have settled in Assam. That principle has been accepted. Then, if we ask the Government of India to look to the interests of Indians who are in Burma, who are domiciled in Burma, it is on that principle also. That this principle has been accepted and established cannot be disputed and secondly in this very House one year ago, a similar motion was passed without any opposition from the opposition. I do not know what has happened during this short time that objection to a similar motion is being put forward so vehemently. As the present constitution exists, the Central Government have some power over the provincial governments if the Central Government find that any provincial government is exceeding or abusing its rights and powers. I think the Central Government can send directives to the provincial governments. I do not understand how a party which has already asked several times the Central Government to interfere

in the affairs of Bengal, should put up any objection in this case. Let me cite a recent instance. The Secretary of the Congress Parliamentary party in the other House has sent in a wire asking the Ministry to prorogue the Bengal Legislative Assembly. In face of this fact how can my friends in the Opposition now oppose this motion? Besides, I have moved my motion on a very humane ground. It is desirable that the matter should be settled anyhow for the immigrants who have made their homes there for a long time in Assam are now going to be evicted and in fact their suffering is very intense. These people who had no land in Bengal migrated to Assam and cleared the jungles and faced all sorts of dangers, without fearing ferocious animals and several other discomforts and made the lands cultivable, and thus added to the value of the assets of the Assam Government. And now at this stage when they made their home there and are cultivating the lands the Assam Government without making any other accommodation or arrangement for their settlement ask them to go back with their bag and baggage. And when they have refused, they are set upon by elephants and their houses are set on fire and they are even shot dead. These are the facts, Sir, and on these facts I am requesting that these evictions be stopped. My friends have pointed out that there is a talk going on between the two parties, but now that the compromise has failed it is the duty of the Centre to intervene specially so because the Central Government is now so to say presided over by Pandit Nehru and Sardar Patel. It is a question of adjustment with the Premier of Assam, Mr. Bordoli, and the problem is to find out land accommodation for the men evicted. The Muslim League have already taken steps to see that these evictees are settled on their former land. It is only the question of those people who were in Assam for a long time in accordance with an arrangement made between Sir Saadulla and this Government. In the circumstances I appeal to the Opposition to consider this fact as these evictees are Bengalis and to consider this motion sympathetically.

**Mr. PRESIDENT:** The question before the House is that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with an earnest appeal to His Excellency to make a strong representation immediately to the Government of India to stop evictions of Bengali immigrants from Assam by the present Assam Government.

The motion was put and a division taken with the following result:—

**AYES—20.**

Mr. Abdulla-al-Mahmud
Mr. Nur Ahmed
Mr. Sadaruddin Ahmed
Rai Bahadur Dhirendra Lal Barua
Mr. Reajuddin Bhuiya
Mr. Chowdhury Meazzem Hossein
Khan Bahadur Abdul Latif Chowdhury
Mr. Syed Fazle Rabbi Chowdhury
Mr. Yusuf Ali Chowdhury
Mr. D. D. Deyne
The Hon'ble Mr. Abdul Gofran
Khan Bahadur A. M. Shahoodul Haque
The Hon'ble Mr. Saiyed Muazzamuddin Hosain
Mr. Latafat Hossain
Khan Sahib Mobarak Ali Khan
Mr. Abdul Latiff
Mr. Syed Abdul Majid
The Hon'ble Mr. Tarak Nath Mukerjee
Mr. Abdul Rashid
Mr. Md. Taufiq

**NOES—10.**

Mr. Lalit Chandra Das
Mr. Bankim Chandra Datta
Rai Bahadur Brojendra Mohan Maitra
Mr. Bijoy Singh Nahar
Mr. Biren Roy
Mr. Biswanath Roy
Mr. Patiram Roy
Mr. Birendra Kishore Roy Chowdhury
Mr. Charu Chandra Sanyal
Mr. Satish Chandra Sen

Ayes being 20 Noes being 10 the motion was agreed to.

**Mr. NUR AHMED:** Sir, I beg to move—that an address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with an earnest appeal to His Excellency to move the Government of India to arrange immediate

import of surplus milk products from England, Australia and other foreign countries for Bengal in view of large deficiency in supply of milk and consumption per head of population in Bengal.

Sir, this is a very small looking motion but it deals with a vital aspect of the life of the people of Bengal. Sir, milk is a very important ingredient in the human food. Sir, it is absolutely necessary for the healthy growth of children, for the old men and also for invalids. Sir, according to the food experts one should take at least 2 ounces of milk per day. It is absolutely necessary especially in the case of rice-eaters and 80 per cent. of the Bengalees are rice-eaters. This consumption of milk according to the prescribed standard will balance the diet of a Bengalee. As a result of the deficiency in the consumption of milk Bengalees has been deteriorating in health. Bengal which could once produce intellectual giants much to the astonishment of the whole of India has now fallen on evil days. Even the other day some eminent person remarked that in Bengal there is now no outstanding personality to hold Bengal's leadership. Is it not to our shame that Bengal's students are failing to compete with students of other provinces in the I.C.S. Examination. Very few Bengalees have passed such examinations. Bengal's consumption of milk is very small. Sir, according to the latest figure, in 1946 India's total production of milk was only 23 million tons and the Government of India arranged a plan to increase it to 80 million tons. That will be sufficient for the whole of India. As a result of this deficit in the consumption of milk, Sir, Bengal, as I said, is deteriorating in health year by year. Let me now compare Bengal's production of milk and consumption of milk per capita. I am quoting the figures for 1940. In New Zealand the production per capita is 244 lbs. and consumption per head is 56 ounces. Finland's production per capita is 148 ounces and the consumption per head is 63 ounces. In Australia, production per capita is 69 oz., and consumption per capita 45 oz.; in Canada production per capita is 66 oz. while the consumption is 35 oz. per capita; in Great Britain the production per capita is 8 oz., while the consumption per capita is 7 oz., in Assam the production per capita is 1·4 oz., while the consumption is 2·2; in Bombay the production is 4·7 oz., while the consumption is 4 oz., in the United Provinces the production is 4·1, while the consumption is 5 oz; in the Punjab the production is 18·3 oz., while the consumption is 9·9 oz. But, Sir, what is the position in Bengal? In Bengal production is 2·1 oz. and consumption, is 1·9 oz. As compared with all these provinces in India Bengal's consumption is the lowest. Sir, this is one aspect of the case. As a result of all this Bengal's percentage of malnutrition is the highest as compared with all the other provinces in India. In Assam 53 persons are well-nourished, 38 persons poorly nourished and only 9 persons suffer from malnutrition; in the United Provices 40 persons are well nourished, 39 persons poorly nourished and only 21 persons suffer from malnutrition. In Madras 46 persons are well nourished, 36 persons poorly nourished and only 18 suffer from malnutrition. In the Punjab 46 persons are well nourished, 38 poorly nourished and only 20 suffer from malnutrition. Even in Bihar and Orissa I am giving figures for 1933—for Bihar 42 are well nourished, 40 poorly nourished and only 18 suffered from malnutrition. What is the state of things in Bengal? In Bengal in that year only 22 persons were well nourished, 47 persons were poorly nourished and as many as 31, the highest percentage in India, suffered from malnutrition. Sir, milk is a very important element in our food. As a result of this want of milk maternal mortality in Bengal is higher than that in any other province of India. In Assam the percentage of maternal mortality was 26·4; in the United Provinces it was 18 per cent; in the Central Provinces it was 8·18 per cent., in Madras 13·2 per cent. and in Bihar and Orissa it was 26·13 per cent. Punjab 18·0. Bombay 20·09. What is in Bengal? In Bengal, it was 49·16—highest. This is the result of less consumption of milk in Bengal. It is an

admitted fact that even in Calcutta supply of milk is more than half of which is required for the citizens of Calcutta. The price of milk has abnormally gone up and in some towns with great difficulty milk is available at a very high price. This has added to the other difficulties. For all these reasons I have moved this motion to move the Government of India for the purpose of importing a large quantity of milk and milk products for Bengal. Why of all provinces of India Bengal should be made to suffer. I have made it clear by facts and feagures and tried to show that Bengal needs very badly outside help. Of course it may be said why should not the production of milk be increased here instead of seeking help from outside. I may say that a Milk Expert was appointed by the Government of India and he, Mr. Peperall, submitted a report. In the report he described very lucidly the pitiable condition of milk production and sale of milk in Bengal and some other big cities of India. He suggested some remedy and I tried to draw the attention of Government to this question. Pending this, supply of milk is absolutely necessary as also milk production. So I suggested in my resolution that it should be imported from outside, from Australia, from Canada, from England and other countries which they spare for others. With these words I commend my motion for the acceptance of the House.

**The Hon'ble Mr. AHMED HOSSAIN:** Sir, I must say at the outset that as a short term measure I have no objection to the Resolution moved by my friend Mr. Nur Ahmed. But I must say that as a long term measure Government have serious objection to it, because it cuts across the policy of Government to make milk and milk production self-sufficient in Bengal. I also like to inform the honourable members that the Resolution will be more useful as a sort of temporary measure. I may inform him that the Government of Bengal have already purchased 1,100 tons of these milk products for distribution as relief and besides they have sanctioned Rs 20 lakhs for a further purchase of these milk products. Therefore, I would request the honourable member not to press this motion. Government are already alive to this problem and are doing whatever is necessary in the Relief Department.

**Mr. BIJOY SINGH NAHAR:** On a point of information, Sir, May I know from the Hon'ble Minister whether they are bringing milch cow to this province?

**The Hon'ble Mr. AHMED HOSSAIN:** Yes, Sir, milch cows are being brought here in Calcutta from the Punjab and U.P. Then there is another difficult problem to tackle, namely, that of salvaging the dry cattle. These valuable animals are being sold to the butchers when they cannot give any more milk. Now, Government have adopted the policy of getting them salvaged in their own experimenting station at Chakdah near Kanchrapara. They will rear them up and when the cattle will again attain lactation they would be useful for supplying milk to the town.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister please state what did it cost them to buy 1,100 tons of milk products?

**The Hon'ble Mr. AHMED HOSSAIN:** We have already bought 1,100 tons of milk products and besides Rs. 20 lakhs has been sanctioned for the year 1946-47 for a further purchase.

**Mr. LALIT CHANDRA DAS:** Did the Government buy this direct or through the Government of India?

**The Hon'ble Mr. AHMED HOSAIN:** Some were bought direct and some from other countries direct.

**Mr. LALIT CHANDRA DAS:** If they have bought direct, what is the point in troubling the Government of India now?

**The Hon'ble Mr. AHMED HOSSAIN:** 200 tons were bought ex-U.S.A., 200 tons local purchase, 200 tons en-route Australia (Direct) and 500 tons U.S.A. Thus making a total of 1,100 tons. Government of India's help is necessary because we have to arrange for the imports.

**Mr. NUR AHMED:** Sir, I am very sorry to say that such an innocent motion has been opposed by the Government. Sir, it is a fact that there is a woeful dearth of milk and these milk products can meet to some extent the deficiency. I asked for some milk products for the primary school children but I was informed that the Government stock was very limited. There is no harm if the Government accepts the motion. I am sorry, I cannot withdraw such an important motion.

**Mr. PRESIDENT:** Then you do not propose to withdraw your motion?

**Mr. NUR AHMED:** No, Sir.

**Mr. PRESIDENT:** The question before the House is that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with an earnest appeal to His Excellency to move the Government of India to arrange immediate import of surplus milk products from England, Australia and other foreign countries for Bengal in view of large deficiency in supply of milk and consumption per head of population in Bengal.

The motion was put and agreed to.

**Mr. NUR AHMED:** Sir, I beg to move that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with an earnest appeal to His Excellency to make an immediate representation to the Government of India to increase the quota of cotton yarn allotted to Bengal on the basis of its population, or at least to make a larger allotment of cotton yarn equal to that of Madras.

Sir, this is another important motion which vitally affects the people of Bengal and deals with the question of sufficient clothing for the people of Bengal. Though Bengal is densely populated and is having the largest population out of all the provinces of India, its quota of yarn allotted by the Central Government is less than that of Madras or Bombay with lesser populations. (At this stage Mrs. Labanyaprobha Dutt took the Chair). Bengal was once famous for her hand-loom woven cloth. Bengal once used to send cloth to other countries in Asia and even to England. Right down to the time of the East India Company cloth made in India supplied the markets of Asia and Europe. In 1701 the use of calico was prohibited in England. As late as 1815.....

**The Hon'ble Mr. MOHAMMED ALI:** On a point of information. May I have your ruling whether we should address you as Mr. President or Madam President.

**Chairman (Mrs. LABANYAPROBHA DUTT):** I think the practice, when the lady is in the Chair, is to address the Chair as Madam President.

**Mr. NUR AHMED:** As late as 1815 India exported to England cloth worth 13 lakhs pounds a year. In 1942 Bengal's handlooms produced 42 per cent of her requirements of cloth. There are more than two lakhs of weavers in Bengal, as far as I remember the same number as in Madras, but these weavers are suffering for want of cotton yarn as their only means of livelihood was producing handloom cloth. That prosperous industry is now in a dying condition. Bengal's import of cloth is worth about 14 crores of rupees from Bombay, from Ahmedabad and other countries. Bengal's mill and handloom produced cloth is sufficient to meet the requirements of Bengalees up to 40 per cent. only and Bengal has to import for the

remaining 60 per cent. requirements from outside. Bengal which was once self-sufficient in the matter of her requirements of cloth—and not only that she was also exporting cloth—has now fallen on evil days. In 1946 there were 366 mills in India of which 202 were in the Bombay Presidency, 61 in the Madras Presidency and only 37 in Bengal, and why is the number of mills so small? The supreme difficulty in the way of starting more cotton mills is that they cannot have ample supplies of yarn. There is another aspect of the case also. Fishermen on whose catching of fish and supplying of fish the livelihood of many Bengalees depends have been very hard hit by the last famine. Large numbers of them have died. Now there is the question of rehabilitating them in their own profession not for their own good but for the good of the people of Bengal and they require large numbers of nets, but even for this purpose of making nets there is want of cotton yarn. Madam, this is the state of things that exists in Bengal, and this is what has moved me to move this address motion. Bengal has not been properly treated by the Centre in respect of allotment of cotton yarn and why has this discrimination been made between Bengal and other provinces? The most flourishing industry in Bengal, the handloom industry, is about to die for want of cotton yarn. So I appeal, Madam, to the Government of India to allot large quantities of yarn required for Bengal's requirements. With these few words I recommend my motion to the acceptance of the House.

**Chairman (Mrs. LABANYAPROBHA DUTT):** Motion moved that an Address be presented to His Excellency the Governor of Bengal through the Honourable the President of the Bengal Legislative Council with an earnest appeal of His Excellency to make an immediate representation to the Government of India to increase the quota of cotton yarn allotted to Bengal on the basis of its population, or at least to make a larger allotment of cotton yarn equal to that of Madras.

**Khan Bahadur A. M. SHAHOODUL HUQ:** Madam President, I rise to support the motion moved by my friend Mr. Nur Ahmed. It is well known that the people of Bengal are experiencing great difficulty for want of sufficient cloth, and there is, I believe, a consensus of opinion in this House that if the quota of cotton yarn could be increased by moving the Central Government then many of the ills from which Bengal is suffering at the present moment can be put an end to. Madam, my learned friend has given an illuminating speech giving statistics to this House and I do not feel I am justified in taking much time of the House and dilate on the subject. This is a Resolution which I think will be accepted by my friends opposite who have unfortunately in the past opposed everything that was moved from this side. I hope this time they will also support the Resolution. With these few words I support the motion.

**Mr. LALIT CHANDRA DAS:** Madam, I rise to support the Resolution moved by my friend Mr. Nur Ahmed. But I am rather sorry to say that the Government of India should have to be moved by a Resolution like this. It is the bounden duty of the Government of Bengal to move the Government of India to allot the quota of cotton yarn on the basis of its population. They have not done it and you are now urging the Government of Bengal to move the Government of India. This very motion implies that it is a slur on the Government of Bengal who was sleeping over this duty, the duty being to move the Government of India to allot an increased quota of cotton yarn on the basis of population—at least on the equal basis of Madras. It is known to everybody that our weavers are dying for a want of more yarn and if cotton yarn can be supplied in plenty the Jolahs who are mostly Muslims and the weavers who are mostly non-Muslims would be saved from starvation. So it is a very useful Resolution and I [illegible] it.

**Mr. BIREN ROY:** Madam, I rise to support this very good move on the part of my friend Mr. Nur Ahmed at the fag end of the non-official session——

**The Hon'ble Mr. MOHAMMED ALI:** Why end of the non-official session?

**Mr. BIREN ROY:** Well, you will see. Today is the non-official day and perhaps there will not be another non-official session. Now, Madam, it has fallen on your shoulders when this Resolution is passed, to forward it to the Governor-General. I must say that the quota which has been allotted to Bengal is very inadequate as compared with the quota of Madras and other provinces. But the Government should have moved in this matter before this Resolution was moved. Mr. Nur Ahmed would have been well-advised to put the exact amount of yarn that we should ask the Central Government to allocate. We want yarn according to the population basis. I do not know on what basis the Government are making the allocation and I do not know what the actual amount of yarn per head of population to be asked from the Central Government. Mr. Nur Ahmed also has not put the amount of allocation of the amount that we should ask the Government of India to supply. I would therefore advise Government to move the Centre to allocate at least 36 yards of yarn per head of population of Bengal. In order to meet the deficit they can allocate yarn .....

**The Hon'ble Mr. MOHAMMED ALI:** Will Mr. Biren Roy allow me a minute to make an announcement in connection with the curfew permits. I want to say that the curfew permits about which a reference was made earlier in the House today are available now for distribution.

**Mr. BIJOY SINGH NAHAR:** We have permits for the cars.

**The Hon'ble Mr. MOHAMMED ALI:** They are now also available for individuals.

**Mr. BIREN ROY:** Thanks for both the permits.

Now, Madam, the point I was drawing your attention to is that the deficit in the allocation of cloth for the people of this province can be met by allocating more yarn for the weavers in Bengal. Up till now Bengal is dependant on the Bombay mills, Madras mills and on the mills of the other provinces. I do not know the policy of Government in this matter—whether they are willing to allow more mills to be started in Bengal or whether they are willing to supply us with more spindles. In this matter, we should like to be informed of the position. The position should be clarified whether if Bengal wants to be industrialised the Government will help to start more mills, more spindles instead of only supplying cotton yarn. This, I think, would solve the problem than asking the Centre to allocate more cotton yarn to Bengal.

**The Hon'ble Mr. ABDUL GOFRAN:** Madam, I welcome the proposal which has been moved by my honourable friend Mr. Nur Ahmed and I am also glad to find that the Opposition has also joined hands with the honourable mover of the resolution. I may tell my friends for their information that we have been pressing upon the Government of India for the increase of yarn quota of Bengal and we are also not only trying to get yarn from outside Bengal but also from outside India and from outside countries. I believe my friends will be glad to learn that we are going to get about 10,000 bales of very good yarn from Japan very soon. So, I feel no hesitation in accepting this proposal and I hope the House will pass this resolution unanimously.

**The Chairman (Mrs. LABANYAPROVA DUTTA):** The question before the House that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal

Legislative Council with an earnest appeal to His Excellency to make an immediate representation to the Government of India to increase the quota of cotton yarn allotted to Bengal on the basis of its population, or at least to make a larger allotment of cotton yarn equal to that of Madras.

The motion was put and agreed to.

**Mr. NUR AHMED**: Madam, I beg to move that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with an earnest request to His Excellency to make a strong representation to the Government of India to convey to the British Government in England the opinion of the Moslem subjects of His Majesty in Bengal that the recommendations of the Anglo-American Commission on Palestine in their report recently published being unjust, aggressive and extremely prejudicial to the Arabs in Palastine and contrary to the principles and purposes of both the Atlantic and U.N.O. Charters, should be rejected *in toto* and should not be implemented under any circumstances.

**Mr. LALIT CHANDRA DAS:** On a point of order, Madam. My point of order is this that this motion deals with a subject outside of India, the question of Palestine, and therefore this House has no jurisdiction over it and nothing should be said or done here with respect to Palestine

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** We have done it many times; we did it in respect of South Africa.

**Mr. LALIT CHANDRA DAS:** We have not done so.

**Chairman (Mrs. LABANYAPROVA DUTTA):** I am unable to say anything as this motion has been admitted by the Hon'ble President after examination surely.

**Mr. NUR AHMED:** Madam, this motion deals with a very complicated problem which is taxing the best brains of the British Government. My motion deals with one aspect of that question Madam, let me assure Mr. Cohen here that I have nothing to say against that great nation, the Israelites, as whose representative he is in this House. Madam, the Moslems and the Jews have been living in many countries, in many provinces, in many districts very peacefully and history does not cite instances of any aggression on the Jews practised by the Muslims. When the Jews were persecuted in Russia it was Turkey which gave them shelter. So I assure Mr. Cohen that there is nothing in this motion against the Jews as a nation. I shall only deal with one aspect of the problem, a vexed problem and that is the question of the settlement of Jews and Arabs in Palestine to the satisfaction of both as on this will depend the future of Palestine. That is a very small country, resembling that of Wales in the U. K. The report of the Anglo-American Commission which has reported on Palestine has suggested the division of that small country into four parts, one part for the Jews, one part for the Arabs, one part, namely Jerusalem, will be under the Mandate and the desert of Nazereb will form another part. Both the Jews and the Arabs protested against this. This plan as recommended by the Anglo-American Commission was not acceptable to the Jews nor to the Arabs. Madam, this was the state of things. Now, I think the circumstances have changed. Now, the British Government in spite of their best attempts failed to solve the Jewish-Arab problem in respect of their homeland. When in 1923 the British took the mandate of this small province of Palestine they did not think that they will be involved at a later stage in superhuman difficulties out of which, in spite of their hard attempts, they could not come out. The matter is now, I think, being dealt with by the United Nations

Organization and it is, I think, an opportune moment that the opinion of the Muslims should be brought to the notice of His Majesty's Government.....

**Mr. LALIT CHANDRA DAS:** On a point of information, Madam. The Finance Minister told us a few minutes ago that curfew passes will be issued to the members and that they would be for persons as well as for cars for those members who had cars of their own. But I have just now learnt that two members of my party have got their cards for their cars, but persons, or individual per persons cards are not yet ready. He announced that they would be distributed here on the floor of the House. May I know what the position is in this respect?

**Mr. ABDUL RASHID:** We have already arranged for personal cards to be issued.

**Mr. BIJOY SINGH NAHAR:** Does he know the number of the cards?

**Mr. LALIT CHANDRA DAS:** So far as the names are concerned our names were supplied.

**The Hon'ble Mr. MOHAMMED ALI:** Personal permits were ready and those for the cars also are ready but personal cards will be distributed on Monday.

**Mr. LALIT CHANDRA DAS:** All right.

**Mr. NUR AHMED:** I say, Madam, that this is the most opportune moment to move this motion. So I appeal to the House to adopt my motion.

**Chairman (Mrs. LABANYA PROBHA DUTT):** Motion moved that an address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with an earnest request to His Excellency to make a strong representation to the Government of India to convey to the British Government in England the opinion of the Moslem subjects of His Majesty in Bengal that the recommendations of the Anglo-American Commission on Palestine in their report recently published being unjust, aggressive and extremely prejudicial to the Arabs in Palestine and contrary to the principles and purposes of both the Atlantic and U. N. O. Charters, should be rejected *in toto* and should not be implemented under any circumstances.

**Mr. LALIT CHANDRA DAS:** Madam, I cannot see eye to eye with the motion moved by Mr. Nur Ahmed. That is why it is that at the beginning I stood up on a point of order but you were pleased to rule that the President had admitted the motion and perhaps there was nothing more to say about it. But oftentimes motions are admitted by the chair and are brought in on the Order paper; and then comes the time for us to raise any point of order whether it is in order or not. However, I do not want to embarrass the chair about it on the present occasion, but I simply want to speak on the motion as it stands. Madam, the matter relates to Palestine. The matter has gone up to the U.N.O. quite recently and the question is in the seizin of the Steering Committee of the U. N. O. who wants that this matter of Palestine should be taken over to the Assembly and discussed there. Mr. Asaf Ali for India, a member represented in the Steering Committee observed that so far as this matter is concerned Jews should also be given a hearing. The result has been that the Arabs have not been successful in the Steering Committee to take up the question to the General Assembly in a form satisfactory to them. The British standpoint has been quite different. They want to retain their mandatory power in Palestine and yet at the same time they desire to have a direction from the U.N.O. on the question. Whether they would carry out the direction of the U.N.O., the British are silent, but so far the

views of the Ambassador of India who is there are concerned, he seems to think that this question should be decided after hearing the jews in the U.N.O. The opinion of the Jews should not be given the go-by, and *ipso facto* Palestine cannot be declared as an Arab country as a whole. The Jews claim unrestricted immigration into Palestine and there is already great trouble there between the Arabs and Jews. In such a contentious matter, sitting in the Bengal Legislative Council, for a member to move a question like this and also to trouble the Governor to move the Viceroy and then to ask him to send to the British Cabinet the views of this House for consideration seems to me altogether an out-of-the-way process by which such a matter should be decided.

Madam, the question is already before the U. N. O. and I do not think this intricate question of policy regarding Palestine should be a subject matter of representation from the members of this House. I therefore oppose the motion. The Arabs however have our sympathy in the difficult position they are in.

**Mr. D. J. COHEN:** Madam, as semitic races, the relation between Jews and Muhammadans have always been friendly and harmonious, since they shared a great many things in common in religious thought and practice as well as in various other matters. It is a matter of deep regret that circumstances have arisen to create the present unhappy situation more especially at a time when the unfortunate plight of the Jews who have suffered a martyrdom the magnitude of which has no parallel in the world's history should have strengthened the racial ties between the two intensely. Some sinister influence seems to have created this unnatural situation, this division between Jews and Muhammadans to have transformed that friendship to the inimical feelings now prevailing. It is no secret that the Balfour Declaration was made after consultation with and approval of King Faisul and with the blessing of the League of Nations. No restriction was imposed in the matter of bringing into Palestine as many Jews as the country can absorb the aim being to rescue them from the terrible consequences of anti-semitism which later under Hitler's rule assumed unpreceded proportions. An expert survey of the country disclosed that Palestine is capable of absorbing 4 to 5 millions Jews if the remarkable developments hitherto carried out would be continued on at least an equal scale; and those developments already carried out, can they be said not to have contributed fundamentally to Arab interests and welfare as well? Perhaps because immigration has been on a bigger and more rapid scale is the case of the present tense feeling, but could it have been avoided under the circumstances created by Hitler's extermination policy? Though Hitler's rule has ended and yet according to authoritative reports, the plight of the Jews in Europe is no better to-day, in what is known as "the occupied areas of Europe" They are still housed in concentration camps, and in Poland and parts of Germany they continue to be victims of anti-semitism. Should not the Arabs be the foremost people of the world to come to the rescue of their brothers, to let the Jews find a sanctuary in the country to which they belong, and with the people with whom they are racially bound. It has been questioned why America, Australia and other places do not open their doors to these displaced people. Will that solve the Jewish problem? Will it protect them from the insidious cult of anti-semitism? Is it not understandable that only in a semitic land they can feel that such a thing as the curse of anti-semitism cannot germinate? Jews and Arabs in the closest bond of unity can be expected to see to that with regard to the recommendation of the Anglo-American Commission made some months back to permit the entry of 100,000 Jews as quickly as possible, I regret it was not looked at from a humanitarian point of view.

Hitler exterminated millions. Should not the Arabs, our brothers, stretch forth a helping hand to such number of these people as the country

can absorb to find a sanctuary there instead of joining those who were not allowed to have anywhere to lay their heads but the cold grave? I am not on my feet now to discuss politics but solely to plead humanity, to plead that we continue to slay that horrid monster anti-semitism, to defeat it by vigorously associating ourselves with the divine policy of preservation against the devilish policy of destruction.

When I refer to the policy of destruction, I cannot refrain from condemning in the strongest terms the series of terrorist outrages in Palestine The Jewish community in Calcutta have condemned in one voice these dastardly, shameful, senseless acts which has entailed the loss of so many precious human lives including Jews. The spirit of violence does no good to any cause and worse still if it is exercised by those who have themselves been the victims of violence and who have experienced the sufferings which follow in its trail. The fundamental issues of the Jewish rights and status in Palestine, and of international responsibility for the solution of the twin problems of Palestine and the Jewish people have now been raised afresh before the U.N.O. The eyes of Jews throughout the world are turned to them. Palestine and the Jewish problem is a world responsibility and only the U.N.O. can show the way.

**Mr. SYED BADRUDDUJA :** Madam, I had no mind to take part in the debate this afternoon but after the observations of Mr. Das and certain remarks that have been made by my esteemed friend Mr. Cohen, I feel I should join issue on a question of such momentous significance not only to the Moslims of the East but also to the Muslims of the whole world. You know, Madam, Palestine is sacred to the Muslims, to the Jews as also to the Christians. Palestine has been associated with the memories of the Greatest Prophets and is a place from which Muslims derive their inspiration. We do not for a single moment hold the proposition that the Jews should have no quarter, no shelter, no homeland in the world or that they should in any way be maltreated. But from this it does not necessarily follow that the Arabs should be unjustly overpowered by Jewish immigrants. This unfortunate state of things can be traced back to the Balfour Declaration. The dubious and perfidious policy of the British Government is responsible for the disastrous effect upon the Arabs in Palestine and for the ill-treatment of the Muslims in the East. The British Government held out assurances to Muslems regarding the integrity of the homelands of Islam. The Balfour Declaration on the other hand held out the assurance that a homeland would be provided in Palestine for the Jews but the Arabs could never agree to this proposal Now, these assurances are evidently inconsistent and contradictory Just as in India the British Government are holding out certain assurances to the Congress and some other to the Muslim League with the result that the situation has become so complicated that in spite of the appeal of the two great leaders of public opinion it cannot be controlled. The people are now asking for partition of this country between the two great communities. Similar is the position in Palestine. There also the same policy obtains. That is unfortunately the policy of British imperialism all over the world. In this connection we are reminded of the memorable words of late Maulana Mohammed Ali, Leader of the Khilafat Delegation in England. He was confronted with an observation by late Lloyd George the then Prime Minister of England Mr. Lloyd George told Mr. Mohammed Ali "You are talking glibly of integrity of the homelands of Islam but what have you done with regard to the atrocities that have been perpetuated upon the Armenians by the Turks." Mr. Mohammad Ali retorted by saying "No international investigation has yet been instituted to enquire into the matter. But if it be proved to the satisfaction of the whole civilized world that the Turks have been actually guilty of the charges levelled against them we will wash our hands off the Turks. It is much more important for us that not

a single blot should remain on the fair face of Islam". We too are inspired with the same lofty ideal in our genuine sympathies for the Arabs of Palestine. We want a square deal for them and certainly no injustice for others. Naturally the apprehensions of my friend Mr. Noor Ahmed and other Moslem brethren in the east are fully justified. Not for a single moment shall I however cast any reflection upon the Jews. The relations between the Jews and the Arabs have been most cordial and happy and three prophets of the world emanated practically from the same region of the globe. According to our religion, according to Islam, we have got to show equal respect, equal veneration, equal regard, equal admiration to all, to Moses, to Jesus and to Hazrat Muhammed alike. They are all brothers belonging to the same fraternity, to the same Semitic race. From the soil of the desert came all the great prophets of the world. There has been a continuity of religious flow from the eternal ocean of light, co-ordination of the efforts of the great prophets of the Semitic Race for the common good of mankind and the stream of their cultures has flowed on throughout the whole world purging and cleansing all impurities and dross that had gathered round the pristine glory of God's message. We have absolute sympathy for the Jews and we condemn in no uncertain terms the horrors perpetrated by the atrocious German Nazis headed by Hitler upon the Jews, during the Great War but that is no reason why the poor Arabs should suffer distress and humilation to-day. Not merely the Arab Muslims but the Arab Christians as well have joined to fight this domination sought to be imposed upon the Arab Christians and Muslims and they are standing against this perfidious, this mischievous, this sinister, this dangerous policy pursued by the British Government to-day. For sometime past, owing to the international situation, this question has assumed very serious proportions and the British Government is now sitting on the fence, watching the situation because Palestine is sought to be kept by them as a base for future warfare. The British Government is, therefore, biding time, watching the developments and repercussions in international politics due to the agitation of the Jews and the Arabs about Palestine. The time has come for also the Muslims of India to realise the implications of the stand taken by the British Government for deciding the issue by an Anglo-American Commission possibly in favour of the Jews to the detriment of the Arabs. We are showing no enmity, no jealousy, no hatred, no aversion towards the Jews, but we have got to see that the position of the Arabs is not disturbed nor is their indefeasible right defeated in any way. These Arabs constitute the largest majority of people who built up Palestine as we find it to-day, who contributed to its glory and strength. Palestine rightly belongs to them and no foreigner has any right to encroach upon the integrity of their homeland. I would appeal to my friends opposite to shed their complex in regard to this very important matter, when the Indian National Congress headed by Pandit Jawaharlal Nehru is showing sympathies to the Arabs in Palestine in their humiliation, it is a misfortune that the Deputy Leader of the Congress Party in this House should be so suspicious over a question like this affecting so vitally the Arabs of Palestine avoid a discussion of this matter and should raise the question of jurisdiction of this House for discussion thereof. In this, though the Muslims in India are not directly affected, it will affect their cultural hegemony, the position and integrity of the Muslims all over the world. In saying all this I do not mean any reflection on any other culture, any other civilization, any other school of thought, any other ideology, or any other class of people in the world. I am of the opinion that we should show our fullest sympathy with the Arabs who are in great difficulties and are passing through the most critical phase of their national existence.

With these words I support the motion before the House.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** As is usual in cases like this we will forward the proceedings of the House to the appropriate authorities for necessary action.

**CHAIRMAN (Mrs. LABANYAPROBHA DUTT):** The question before the House is that an address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with an earnest request to His Excellency to make a strong representation to the Government of India to convey to the British Government in England the opinion of the Moslem subjects of His Majesty in Bengal that the recommendations of the Anglo-American Commission on Palestine in their report recently published being unjust, aggressive and extremely prejudicial to the Arabs in Palestine and contrary to the principles and purposes of both the Atlantic and U.N.O. Charters, should be rejected *in toto* and should not be implemented under any circumstances.

The question was put and agreed to.

**Mr. NUR AHMED:** I beg to move that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with an earnest appeal to His Excellency to strongly urge upon the Government of India to take immediate and effective steps to ensure the free movement of the people of Bengal to and from Burma so that no discrimination can be made against the people of Bengal in any field of any activity in Burma as compared with the Britishers and nationals of other countries in view of the great parts which the people of Bengal have played in the development of Burma's national life and economy for decades past and in view of the just rights of the people of Bengal to take proper place in the rehabilitation and reconstruction of Burma and to re-establish themselves in the various activities of this country.

**CHAIRMAN (Mrs. LABANYAPROBHA DUTT):** The question before the House is that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with an earnest appeal to His Excellency to strongly urge upon the Government of India to take immediate and effective steps to ensure the free movement of the people of Bengal to and from Burma so that no discrimination can be made against the people of Bengal in any field of any activity in Burma as compared with the Britishers and nationals of other countries in view of the great parts which the people of Bengal have played in the development of Burma's national life and economy for decades past and in view of the just rights of the people of Bengal to take proper place in the rehabilitation and reconstruction of Burma and to re-establish themselves in the various activities of this country.

**Khan Bahadur A. M. SHAHOODUL HOQUE:** Madam, I rise to support the motion and expect that as the matter concerns the whole of Bengal without the distinction of caste or creed, my friends of the Congress Party will not oppose it but will join with us in accepting it.

**CHAIRMAN (Mrs. LABANYAPROBHA DUTT):** The question before the House is that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with an earnest appeal to His Excellency to strongly urge upon the Government of India to take immediate and effective steps to ensure the free movement of the people of Bengal to and from Burma so that no discrimination can be made against the people of Bengal in any field of any activity in Burma as compared with the Britishers and nationals of other countries in view of the great parts which the people of Bengal have played in the development of Burma's national life and economy for decades past and in view of the just rights of the people of Bengal to take proper place in the rehabilitation and reconstruction of Burma and to re-establish themselves in the various activities of this country.

The question was put and agreed to.

**Mr. NUR AHMED:** I beg to move that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with an earnest appeal to His Excellency to strongly urge upon the Government of India to establish a special nautical school at Chittagong for the benefit of the people of Bengal.

**Mr. LALIT CHANDRA DAS:** Madam, I rise on a point of order. This motion stands in the name of Mr. Amulyadhone Roy: So, how can Mr. Nur Ahmed move it?

**Mr. ABDUL RASHID:** Mr. Amulyadhone Roy is absent and is not going to move his motion. The motion that Mr. Nur Ahmed has moved just now is his own motion and not that of Mr. Roy.

**Mr. LALIT CHANDRA DAS:** Oh, I am sorry.

**CHAIRMAN (Mrs. LABANYAPROBHA DUTT):** Motion moved that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with an earnest appeal to His Excellency to strongly urge upon the Government of India to establish a special nautical school at Chittagong for the benefit of the people of Bengal.

**The Hon'ble Mr. SHAMSUDDIN AHMED:** On behalf of Government I can say that this is one of the objects which the Bengal Government is always urging upon the Centre. I myself think that this motion should be passed on to the Government of India.

**Mr. BIJOY SINGH NAHAR:** On a point of information, Madam. The point is this: will the Hon'ble Minister please explain as to why the present Ministry and its party while it does not want Bengal to be under the Centre should be pleased to urge upon the Centre to do certain things for them from time to time?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** But we have not yet separated. We are still governed under the Government of India Act, 1935.

**Mr. BIJOY SINGH NAHAR:** Since you want to separate from the Government of India, why go to them for help. Why don't you yourself establish a nautical school with your own resources? I oppose the motion.

**Mr. LALIT CHANDRA DAS:** Have I got the right of making a speech? Will you allow us to continue the debate till another day?

**CHAIRMAN (Mrs. LABANYAPROBHA DUTT):** The House stands adjourned till 1-30 p.m. on Monday, the 5th May.

**Adjournment.**

The House then adjourned till 1-30 p.m. on Monday, the 5th May, 1947.

**Members absent.**

The following members were absent from the meeting held on the 2nd May, 1947:—

(1) Mr. Sultanuddin Ahmed.
(2) Mr. L. P. S. Bourne.
(3) Khan Bahadur Syed Abdur Rashid Chowdhury.
(4) Mr. Abdul Hamid Chowdhury.
(5) Mr. Hemendra Kumar Das.
(6) Mr. Kamini Kumar Datta.
(7) Mr. Eric Dermot Doyne.
(8) Khan Bahadur Sheikh Fazal Ellahi.
(9) Mr. Mungturam Jaipuria.
(10) Alhadj Khan Bahadur Shaikh Mahammed Jan
(11) Mr. Humayun Z. A. Kabir.
(12) Mr. Nagendra Nath Moholanobish.
(13) Mr. George Morgan, C.I.E.
(14) Khan Bahadur Ghyasuddin Pathan.
(15) Dr. Kumud Sankar Roy.
(16) Alhaj Yar Ali Khan.

WBGP-48/9-1061A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session, 1947—No. 38.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 5th May, 1947, at 1-30 p.m., being the 38th day of the First Session of 1947, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTIONS AND ANSWERS

**Mr. ABDUL RASHID:** The question standing in the name of the Hon'ble Minister in charge of Civil Supplies may be postponed as he will not be able to come.

**Mr. PRESIDENT:** I understand the Hon'ble Mr. Gofran will not be able to come. So his questions are postponed. His questions are 115, 116 and 117.

### House shortage in the urban and industrial areas of Bengal.

**118. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state if any plan has been prepared and put into operation by the Government of Bengal to make up housing shortage in urban and industrial areas of Bengal?

(*b*) Do the Government of Bengal propose to ask managements of all industrial establishments in the city and urban areas of Bengal to provide residential accommodation to their employees so as to relieve the acute housing shortage and high rent?

(*c*) Do the Government of Bengal propose to provide residential accommodation to their own employees?

(*d*) Do the Government of Bengal propose to establish a House Board for the above purpose?

(*e*) Do the Government propose to launch a scheme to encourage and subsidise all private house-building enterprises?

**Mr. ABDUL RASHID, Parliamentary Secretary (on behalf of the Minister in charge of the Department of Health and Local Self-Government):** (*a*) and (*d*) Yes.

(*b*) No.

(*c*) and (*e*) These are under consideration.

### Number of hospitals opened for Bihar refugees in Bengal.

**119. Mr. CHARU CHANDRA SANYAL (on behalf of Mr. Nagendra Nath Mahalanobis:** Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state how many hospitals have been opened for Bihar refugees in Bengal during recent disturbances there?

**Mr. ABDUL RASHID, Parliamentary Secretary (on behalf of Minister in charge of the Department of Health and Local Self-Government):** The following temporary hospitals have been opened for the medical relief of the sick amongst the refugees from the Province of Bihar:—

One 100-bedded hospital at Asansol (district Burdwan).

One 50-bedded hospital at Gushkara (district Burdwan).

One 20-bedded hospital at Salboni (district Midnapore).

One 20-bedded hospital at Basudebpur (district Bankura).

One 50-bedded hospital at Parbatipur (district Dinajpur).

One 20-bedded hospital at Digri (district Midnapore).

**Mr. LALIT CHANDARA DAS:** Will the Hon'ble Minister be pleased to state whether all these beds are filled up with patients?

**Mr. ABDUL RASHID (for the Hon'ble Mr. Abdul Cofran):** That I cannot say.

**Mr. LALIT CHANDRA DAS:** Can you give us an idea what is the reason for having so many hospitals in so many different places?

**Mr. ABDUL RASHID:** These hospitals have been opened because of the treatment of Behari refugees which was necessary then.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister be pleased to state how many patients were admitted and how many treated and how many discharged?

**Mr. ABDUL RASHID:** That I cannot say offhand how many were admitted and how many discharged.

**Mr. LALIT CHANDRA DAS:** Sir, let him take time to let us have the information, because if there is no patients or a few of them, what is the use of this unnecessary expenditure.

**Mr. ABDUL RASHID:** If you give us notice of a fresh question that will be answered.

**Mr. LALIT CHANDRA DAS:** Why can it not be done in this question? We want to know why so much money has been spent when there is no sufficient patients in the hospitals.

**Mr. ABDUL RASHID** Sir, unless this question is renewed how can it be answered?

**Mr. PRESIDENT:** Quite so. If you want the information, Mr. Das, you better put a question on these lines.

**Number of rural dispensaries under district boards, local boards and union boards in Bengal.**

**120. Mr. CHARU CHANDRA SANYAL:** Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state—

(*a*) the number of rural dispensaries under district boards, local boards and union boards in Bengal;

(*b*) the number of such dispensaries having beds for indoor patients;

(*c*) if he will place before the House a statement of these figures, district by district; and

(*d*) if the Government propose to arrange for indoor hospitals with small number of beds in each of district board and union board dispensaries to form a nucleus of a primary health centre as envisaged by the Bhore Committee?

**Mr. ABDUR RASHID, Parliamentary Secretary on behalf of the Hon'ble Minister in-charge of the Department of Health and Local Self-Government.**

(*b*) 22.

(*c*) A statement is laid on the Library Table.

(*d*) No. Government are, however, considering a P.W.D. Scheme for increasing the number of rural dispensaries by the establishment of model dispensaries each with four indoor beds and at a cost of about Rs. 60,000.

**Mr. PRESIDENT:** Questions over.

**Mr. LALIT CHANDRA DAS:** On a point of information, Sir. Our session began on the 3rd February, 1947, and we have put in many questions so far. May I know the total number of questions that were put by the members and the number of questions answered? I believe that from the few number of questions that are being answered daily there must be a large number of unanswered questions.

**Mr. PRESIDENT:** The information can be supplied by day after tomorrow.

## The Bengal Acquisition of Waste Land Bill, 1947.

**Mr. PRESIDENT:** Now, we take up the Bengal Acquisition of Waste Land Bill.

*Clause 1.*

Clause 1 stand part of the Bill.

Amendments Nos. 1 and 2 by Mr. Lalit Chandra Das and Rai Bahadur Brojendra Mohan Moitra are out of order. No. 3 stands in the name Mr. Nahar. Yes, Mr. Nahar.

**Mr. BIJOY SINGH NAHAR:** Sir, I beg to move that in sub-clause (1) of clause 1 of the Bill, before the word "Bengal" in line 1, the words North and East" be inserted.

Sir, Government wants this Bill to be introduced throughout the whole f Bengal. We want that this should come into operation in North and ast Bengal only and not in West Bengal. We know that a great change going to happen in Bengal and there is every chance of Bengal being vided into two sections very soon and so we from this side do not want ly such Bill to come into operation now. It has been mentioned by the overnment and the other day by Mr. Nur Ahmed that these lands were be acquired for the Bihar refugees who have come to Bengal. Sir, we not want that these refugees should live in Bengal or at least in this rt of Bengal. We want that they should go back to their own places d to be rehabilitated there. But if the Government of Bengal is determined or is very anxious to have them in Bengal, Sir, I would urge them do that in East Bengal where there will not be any trouble to keep them. t here in West Bengal if the Government wants to keep them by acquiring nds from different persons they will create trouble. We are already in midst of troubles and we do not want that there should be more troubles. e Provisions of this Bill should not apply to West Bengal or Central ngal. That is the main reason why I have moved this amendment.

The other reasons are these that we are fighting for dividing Bengal o two parts—one will be Pakistan and the other will be Hindustan. d this is going to be done very soon. The new Government that is going originate would, if necessary, may pass any such Bill.

Sir, we do not want that this sort of Bills, which are most commu in effect, should have any force of law in such parts of the country wh they are the least needed. The next point is this that the Governm whether it is Hindustan or Pakistan Government, is going to acquire, t are sure to acquire the zemandari rights of each place and under the cumstances, Sir, all lands will belong to the State and if the Governm thinks, as was explained the other day by the Leader of the House, t they should have these lands even before the operation of the other acquiring zemindari rights, that in the meantime they want the operat of this Bill to take effect, in that case, we do not like this. Sir, if Government decides that, even before acquiring the zemindaries, they sh acquire these waste lands practically for nothing, without proper comp sation to the landlords or the owners or anybody interested in them, Government can, if they so please, do so in the districts and places wh they think they won't have any difficulty or opposition from the people the place. The people may even be willing parties to the action of Government. There are many landlords here from the eastern part Bengal. They may be willing to hand over their lands to you for nothi as you represent them and not all but we, Sir, who belong to the west part and central part of Bengal would never like that our lands, the la of the people in general, the lands of the poor especially, the lands of rich people or the lands of anyone else should be acquired by the pres Government for the purposes they have mentioned. These are the m reasons for my putting in the amendment that the word, "Bengal" sho be changed into North and East Bengal and I hope that if the Governm is serious, if they really want that this Bill should be passed into an and should come into operation they should accept my amendment. Oth wise it will be impossible, I would say it again most strongly it would impossible for them to acquire even one single piece of land in West Bengal. Sir, the people will not take this expropriation lying down; people are determined not to accept these laws and not to work them; t will refuse to abide by your these bad laws, these communal laws, th one-sided laws which may interest your party, and in which your pa may be interested—none else. The people will refuse to allow their la to be acquired as a result of which trouble will arise and you can ne imagine, you can never dream of the troubles that are ahead of you, you forcibly want to do these things. I would warn the Government t they should be careful enough not to invite any further trouble and w we are on the verge of Freedom, when we are going to have the th party go out of India; we should not invite new troubles for nothing; no purpose. If you really want to cultivate these waste lands there various ways and means of doing it and the people will be willing to g you the lands but if you forcibly want to acquire them to serve your o purpose; to serve your own party and to serve certain sections of your o community at the cost of the people, the people will not take it lying do They will revolt and will never give you an inch of land. These are reasons why the words "North and East" should be inserted in line 1 Bill clause 1 before the word "Bengal".

**Mr. PRESIDENT:** Order, order. Amendment moved that in s clause (*1*) of clause 1 of the Bill, before the word "Bengal" in line 1, words "North and East" be inserted.

**Mr. SATISH CHANDRA SEN:** I support this amendment although is not to my liking. My reason for supporting this amendment is previous statement when the question of recommittal of the entire Bill being considered. I then pointed out in view of our opposition and view of the large number of amendments given by the opposition that would be discreet on theh part of the Government to have the Bill recon dered in the light of the amendments, but unfortunately, Sir, reason or reason, by sheer vote and by sheer abuse of power the Government h defeated those amendments and got passed their own motion. Sir, t

is a very unfortunate situation which I have found here in my experience. It is only for that reason that I am going to support this amendment. While the previous amendment was being discussed I told the Hon'ble Minister in charge of this Bill that the provisions that were going to be enacted in this Bill were also incorporated in the State Acquisition Bill which was being introduced in the other House, which contained practically similar provisions. So I asked what was the necessity to hurry this Bill through with almost identical provisions in this manner in this House, in the teeth of all opposition and in the teeth of this feeling of the opposition if there were no ulterior motive behind it.

**Mr. PRESIDENT:** I think Mr. Sen you should come back to the amendment itself. This is not the stage when you can speak in general terms, on the provisions of this Bill, but you must speak to the specific amendment.

**Mr. SATISH CHANDRA SEN:** I bow to your decision, Sir. It is only on that account that I am expressing my position as to why I am supporting the present amendment; it is only for that reason that I am explaining the matter in this way: it is relevant in that way, Sir. I may say that if they want it, let it be passed as the amendment wishes to convey the desire, let it be passed with regard to East Bengal and North Bengal. It seems necessary that I should give my reason for that. I am still going to place before the Hon'ble Minister and the House my views as the Hon'ble Minister on the last occasion pointed out that waste lands were not covered by the State Acquisition Bill. I am really sorry that that is what the Hon'ble Minister had stated that waste lands were not covered by that Bill (as he denies now), but Sir, that is not so, for I have taken particular note of the proceedings in this connection and let the proceedings of that day be enquired into and it will be found that waste lands are actually covered by that Bill. What is the motive for passing the present Bill?

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I did not say any such thing: what I did say is this: waste lands should be acquired first, and at once.

**Mr. SATISH CHANDRA SEN:** And why? That is the reason that I enquired. Why these waste lands should be acquired first? A true picture of the position should have been given on that occasion. The second point as it has been pointed out by my friends of the ministerialist party was that waste lands were to be acquired because landless people, etc., had to be supplied with lands, and it was also stated that the Congress party and the opposition were objecting to that course. Are you sincere? That was the charge levelled against us. My submission is this: are members of the ministerialist party sincere in their statements? So far as I remember, Sir, I have gone into the State Acquisition Bill and, there also the same provisions are put in. There the Hon'ble Minister-in-charge states that it is also considered necessary that all surplus cultivable lands held by proprietors, tenure-holders and raiyats in excess of certain prescribed standard should be acquired with a view to their distribution amongst petty cultivators, landless labourers and *bargadars* so as to provide them with economic holdings. Exactly a similar motive is the underlying principle of this Bill.

Exactly the same motive which has been said to be the underlying principle of this Act. If that be the position why are you postponing the State Acquisition Bill; when you are incorporating that Bill why are you rushing through this Bill? So we suspect there has been some ulterior motive. As I have said I do not agree with the wording of the amendment, still as it seems there is a motive behind this Bill other than what has vaguely been stated in the Statement of Objects and Reasons, for that reason I support the amendment and although I do not like the amendment I support it for the reason stated.

**Mr. BANKIM CHANDRA DUTTA:** Sir, the reasons for which I a supporting this amendment are these: In the first place it would be burde ing the Statue with, if I may say so, a black Act—black, because supports communalism.

**Mr. PRESIDENT:** Mr. Dutta, kindly come back to the speci amendment. You are talking on the general principle.

**Mr. BANKIM CHANDRA DUTTA:** Yes, Sir, I am coming back to If they are really in a hurry to act upon the Bill the safer course for the is to accept this amendment, namely the words "North and East" insert before the word "Bengal". Then they will have no trouble, and we w also be saved from the trouble, and they can have it as best as you like. they do not accept it they are courting trouble, as my friends have alrea stated, and they should not at this particular moment precipitate it bringing in this sort of legislation. The events that are happening a so irresistible that it would not be wise to shut their eyes to these realitie Things have come to such a pass that it would be impossible to resist partition of this province. I can tell Government frankly that if anyo is responsible for this move of partition it is their Bills and Acts and the acts outside this House and they are primarily responsible for this partitio I would, therefore, request the Hon'ble Minister to accept this amendme and carry on merrily with his acquisition so far as northern and easte parts of Bengal are concerned. Sir, if the idea is as is stated in t Statement of Objects and Reasons, it is incorporated in the provisions the previous Bill. You have, so far as the zemindars are concerned, bee able to successfully tackle that question.

Now, you are on the middle class. Very well, if you want to drive yo wedge against the middle class, by all means do it, concentrate your atte tion to that part of Bengal where you can drive it easily and perha peacefully.

With these words, Sir, I support the amendment.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I am sorry to say th the Opposition and also my friend Mr. Sen who claims that he does n belong to the Congress are deliberately speaking things which they the selves know to be untrue. (Mr. LALIT CHANDRA DAS: Question.) I ha explained already in reply to Mr. Lalit Chandra Das's question that t question of settlement of land with Beharis does not arise at present. T Bihar refugees are here. We have accommodated them. If their ow Government *do not* create a condition whereby the refugees may feel sense of security and if the Government do not win them over and take the back, then only this question of settling lands with them will arise. I they happen at any point of time to form a part of the population of Beng then in that case I will not make any discrimination between the Biha refugees and the population of Bengal, because they by that time will for a part of the population of Bengal.

Now, with regard to the settlement of land, it may be said also tha we are acquiring these lands for various other reasons. I have told th House why we were acquiring these lands. Now, the Congress with s much fuss and solicitude is putting a different interpretation. Withou doing that, if they would have frankly opposed the Bill, we would ha understood them. But they are determined to put a meaning which serve their own purpose. I cannot accept the position of Mr. Nahar when h says that Bengal is going to be divided and there should be no such legi lation now. Though I have already said previously that I have brough this Bill on the basis that Bengal is one. Therefore if Bengal is divided which I do not think it will ever be, that will be an altogether differen matter. This is a controversy which you are bringing here only as delaying tactics. (Mr. BANKIM CHANDRA DUTTA: Question.)

As to Mr. Sen, he does not find any urgency in this Bill. He says that the provisions of this Bill might have been incorporated in the State Acquisition Bill and as we have not done that, we must have something behind our mind. I am sorry to say that a man of his experience after having read the Statement of Objects and Reasons should not have said that there is no urgency about the matter. Have I not told that lands in Bankura and Birbhum are being turned into deserts by the erosions, and so it is necessary to acquire them for afforestation schemes? Did I not say that these vast tracts of lands—waste lands—are required to be acquired for the afforestation purpose, if not for any other purpose. They say there is no urgency but do they not feel the urgency of the irrigation schemes that are to be introduced in the West Bengal? Did I not mention that these waste lands are required to be acquired for these irrigation schemes?

I brought in a Bill separately from the Bengal State Acquisition and Tenancy Bill so that I might acquire waste lands as apart from the acquisition of the zamindary estates to which the waste lands belong. That is the reason why I have brought this separate Bill and the reason is that even after the State Acquisition Bill comes into existence, *i.e.*, even when it is placed on the Statute Book it will require considerable length of time after that to acquire all the states of Bengal. That is the reason why it is difficult to acquire waste lands immediately under that Act. Now here the waste lands will be acquired only for those development projects which will be ushered in by the Government immediately and for that purpose this Bill is urgently necessary and the Opposition, if they want to oppose the Bill, let them do so frankly and not by distorting the position of the Government or distorting the statements made by me. I oppose the amendment.

**Mr. PRESIDENT:** The question before the House is that in sub-clause (*1*) of clause 1 of the Bill, before the word "Bengal" in line 1, the words "North and East" be inserted.

The question was put and a division taken with the following result:—

**AYES—10.**

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|---|---|
| Mr. Lalit Chandra Das | Rai Bahadur Jogendra Nath Roy |
| Mr. Bankim Chandra Dutta | Mr. Biren Roy |
| Mr. Kamini Kumar Dutta | Mr. Biswanath Roy |
| Rai Bahadur Brojendra Mohan Maitra | Mr. Charu Chandra Sanyal |
| Mr. Bijoy Singh Nahar | Mr. Satish Chandra Sen |

**NOES—21.**

| | |
|---|---|
| Mr. Abdulla-al-Mahmud | Mr. G. J. K. Hook |
| Mr. Nur Ahmed | The Hon'ble Mr. Saiyed Muazzamuddin Hossein |
| Mr. Sadaruddin Ahmed | Mr. Latafat Hossain |
| Rai Bahadur Dhirendra Lal Barua | Khan Sahib Mobarak Ali Khan |
| Mr. Moazzem Hossein Chowdhury | Mr. Syed Abdul Majid |
| Mr. Hamidul Huq Chowdhury | The Hon'ble Mr. Tarak Nath Mukerjea |
| Khan Bahadur Abdul Latif Chowdhury | Mr. Abdul Rashid |
| Mr. Syed Fazle Rabbi Chowdhury | Mr. Amulyadhone Roy |
| Mr. E. D. Doyne | Mr. Md. Taufiq |
| Mrs. Labanyaprobha Dutta | Khan Sahib Moulvi Wahiduzzaman |
| Khan Bahadur A. M. Shahoodul Haque | |

Ayes being 10 and Noes 21 the motion was lost.

**Mr. Biswanath Roy:** I beg to move that in sub-clause (*1*) of clause 1 of the Bill, before the word "Bengal" in line 1, the word "East" be inserted.

Sir, I have not included the word "North" as it was previously moved by others and I have done so because the entire North Bengal is not included in the proposed partition scheme of Bengal. Certain districts of North Bengal are contemplated to be included in the new province of Western Bengal. I also agree with the arguments put forward by my friends here in connection with the division of Bengal and I feel that when the new

province is going to be formed in Western Bengal it should be allowed to decide its own destiny and it would not be proper for the outgoing Ministry to leave a legacy for the Ministry of the new province. They should come forward to decide as to how to effect an all-round improvement of the new province. I therefore feel that my friends opposite should allow us to have a partition and allow us to formulate our own schemes for the development of our own new province. We feel that the problems of the Western Bengal to make improvements about agricultural products and other things should be left to the representatives of the new province because their policy may not be on the same lines as the present Bill contemplates. I feel my friends opposite will accept the amendment.

**Mr. PRESIDENT:** Amendment moved that in sub-clause (*1*) of clause 1 of the Bill, before the word "Bengal" the word "East" be inserted.

**Mr. LALIT CHANDRA DAS:** Mr. President, Sir, I want to have a ruling from you whether I will be permitted to move amendments 9-10 after the fate of the amendment No. 4 of Mr. Biswa Nath Roy is decided. My amendment says that in sub-clause (2) of clause 1 of the Bill, the following be added at the end, namely:—

"and except the Presidency Division, the Burdwan Division and the Rajshahi Division".

**Mr. PRESIDENT:** Yes, you can do that because in the East and West Bengal besides these divisions there are some excluded areas and partially excluded areas.

**Mr. LALIT CHANDRA DAS:** Thank you. Then, Sir, I rise to support the amendment of Mr. Biswa Nath Roy. If this is accepted then it will mean acceptance of the whole of Eastern Bengal which does not, of course, include Presidency Division. One thing the Hon'ble Minister must explain. Why this Bill should be rushed through in this indecent haste? When replying to the amendment of my friend Mr. Bijoy Singh Nahar the Hon'ble Minister dilated upon the urgency of this Bill and as illustration he cited the case of Birbhum and Bankura districts and said that as these districts are being washed away afforestation is necessary there.

Now, Sir, if that is so, he has not been able to explain why all these waste lands of the whole of Bengal should be acquired. It would have been just and fair and proper for the Government to have placed before us certain schemes which would have enabled the members to ascertain that Government was really in urgent need to acquire all the waste lands of Bengal. The Hon'ble Minister said in reply that besides stopping erosion there were also other schemes and plans drawn up by Government and to put into execution those schemes these waste lands should be acquired. Now, the whole point hinges round the explanation of the Hon'ble Minister as to what is the quantity of land they want to acquire to put into execution the different plans of Government, for the purpose of irrigation and drainage and also for the purpose of afforestation. He has not put any scheme before the House in detail. If he did so then we would have been able to know what is the quantity of land they are in need of. But, Sir, that is really not the intention of Government. If it was the real intention to acquire lands for the purpose of helping irrigation or for carrying out particular plans of Government they would not have come round for acquisition of all the waste lands of Bengal. The Government proposes to acquire over 30 lakhs acres of land and in Burdwan district and Bankura district only there are over 4 lakhs acres of lands lying waste It is no nationalisation of the lands but it is communalisation of the lands, for, after all, it is a communal Government. Had it been otherwise we could say here it was a national Government and they were asking these lands for the good of the whole nation. But it is not a case like that.

So, my friend, and the mover of the amendment, wants to confine the powers of the Government to the acquisition of the lands in East Bengal Then there would be some reason behind this measure of Government. We ask why instead of wasting their efforts—the efforts of the present Muslim League Government—in vain channels and disturbing the neighbouring Government of Assam by asking the Bengali Immigrants to stay in the waste lands of Assam, why do they not settle them in East Bengal. They should withdraw those immigrants and settle them in East Bengal. They should state what quantities of lands they would require for this purpose. Instead of doing this the Government of Bengal are putting in all sorts of wrong arguments, in order to bolster up their own Pakisthan idea. It would be just and fair and proper for the Government to do this, namely, withdraw the Bengal immigrants from Assam. If they really mean business they should state the quantities of lands they would require in settling these immigrants. Here is the urgency, if there is any urgency at all. Let them acquire all the waste lands in East Bengal and not acquire lands in West Bengal.

As for erosion in Western Bengal districts which he has assigned as a reason, I say this that the erosion has not been sudden; this erosion has been going on continuously for years past and it cannot be said that the Hon'ble Minister can stop it at once and bring a second heaven on this side of the earth, if this Bill is passed, in the course of a month. Will you be able to stop the erosion even in another six months? There is the erosion upon your Government and that erosion will be settled by events in the near future, I mean the event of the partitioning of Bengal. That is the greatest erosion you must protect yourself against. Instead of doing that you are putting in measures which, are not at all urgent and necessary with a view to taking up other lands over which very likely this Government will have no jurisdiction whatsoever with the partitioning of Bengal shortly. Another 15 days and it will be seen where this present Government stands with respect to Western Bengal. I support the motion of my friend Mr. Biswanath Roy.

**Mr. CHARU CHANDRA SANYAL:** I rise to support the amendment tabled by Mr. Biswanath Roy. The inclusion of the word "East" before Bengal has its significance at the present moment because it is almost definite that Bengal is going to be partitioned. (Mr. AMULYADHONE ROY. How do you prophesy it?) That will be known within a few days. So far as our opinion goes it is almost definite that Bengal is going to be partitioned. (Interruption from Mr. Amulyadhone Roy.) Please keep quiet.

**Mr. PRESIDENT:** Will you continue your speech?

**Mr. CHARU CHANDRA SANYAL:** As there was such a *golmal* and interruption to my observations I preferred to keep quiet for a second to make others quiet. On account of the above reason the acquisition of waste lands or anything that is done under this Bill should be done only in East Bengal at this moment. If perchance Bengal is not partitioned then the atmosphere would be different and the Bill may then be amended or a new Bill might be brought in to extend these operations. There are about 40 lakhs acres of cultivable waste lands in Bengal and as far as I understood from the reply of the Hon'ble Fazlur Rahman given on the 21st of April, in Burdwan district there are only 2 lakhs and in Dinajpur only 3 lakhs. Still 35 lakhs of waste lands are in surplus in other districts and I think enough "public purposes" as defined in this Bill could be undertaken with the 35 lakhs of acres of lands lying in places other than in Burdwan and Dinajpur districts. I think 2 or 3 lakhs of acres of land would be quite enough for at least 10 years' work for the "public purposes" aimed in this Bill and why there is so much eagerness to get the lands of West Bengal at present. I suspect that it is a business proposition of the Government. They want to have these lands acquired now for nothing

but if the Damodar and the More projects that are in sight actually materialise the price of the lands will go up and the Bengal Government will make a profit out of it. Should I mean this? And I think our Minister-in-charge will kindly enlighten us on this point whether they are acquiring the land for afforestation purposes or to make any profitable transaction out of it? The land that can be had for nothing at present will have its value much increased when the Damodar and More projects are given effect to and I suspect that such a sort of move is behind the back of the Government in this Bill.

I support that the Bill must be confined with regard to the waste lands of East Bengal and not of any other portion of Bengal. As regards the acquisition of waste lands in eastern Bengal there will not be any trouble In East Bengal and in other parts of Bengal there are plots of waste land which are uncultivable, and there are plots which are cultivable. Does the Hon'ble Minister mean to acquire the cultivable lands only or the uncultivable land also? In this respect he has not been definite and we have the right to know from the Hon'ble Minister (who is now talking with one of his colleagues) whether he intends to take up the cultivable wastes or will take up uncultivable wastes as well? This he has not made clear. Mr. President, Sir, when members are speaking and the Minister-in-charge is talking with other persons, how can he presumably reply to the questions in this House, and I hope he will kindly listen to what members say so that he may be in a position to give an effective, a crushing(?) reply when necessary.

With these words I support the motion moved by my friend, Mr. Biswanath Roy.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, the arguments put forward by the opposition in connection with this amendment are in my opinion not relevant to the amendment and as such they do not require any answer from me, and with regard to one or two other arguments, they have been answered in connection with my speech in reply to previous amendments. I oppose the amendment.

**Mr. PRESIDENT:** The question that in sub-clause (*1*) of clause 1 of the Bill, before the word "Bengal" in line 1, the word "East" be inserted.

The question was put and a division taken with the following result:—

**AYES—10.**

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|---|---|
| Mr. Lalit Chandra Das | Mr. Biren Roy |
| Mr. Bankim Chandra Dutta | Mr. Biswanath Roy |
| Mr. Kamini Kumar Dutta | Mr. Patiram Roy |
| Rai Bahadur Brojendra Mohan Maitra | Mr. Charu Chandra Sanyal |
| Mr. Bijoy Singh Nahar | Mr. Satish Chandra Sen |

**NOES—21.**

| | |
|---|---|
| Mr. Abdulla-al-Mahmud | Khan Bahadur A. M. Shahoodul Haque |
| Mr. Nur Ahmed | Mr. G. J. K. Hook |
| Mr. Sadaruddin Ahmed | The Hon'ble Mr. Saiyed Muazzamuddin Hosain |
| Mr. Syed Badrudduja | Mr. Latafat Hossain |
| Rai Bahadur Dhirendra Lal Barua | Khan Sahib Mobarak Ali Khan |
| Mr. Reazuddin Bhuiya | Mr. Syed Abdul Majid |
| Mr. Moazzem Hossain Chowdhury | Mr. Abdul Rashid |
| Mr. Hamidul Huq Chowdhury | Mr. Amulyadhone Roy |
| Khan Bahadur Abdul Latif Chowdhury | Mr. Md. Taufiq |
| Mr. Syed Fazle Rabbi Chowdhury | Khan Sahib Moulvi Wahiduzzaman |
| Mr. E. D. Doyne | |

The Ayes being 10 and the Noes 21 the motion was lost.

**Mr. BISWANATH ROY:** Sir, I beg to move that in sub-clause (*1*) of clause 1 of the Bill, for the word "Waste" in line 2, the word "Fallow" be inserted.

Sir, the definition of "waste" and "fallow" has to be properly considered. There are lots of confusion as to what particular type of land the Bill proposes to acquire. According to the Statement of Objects and Reasons the word should be "fallow" and not "waste". Because the lands which are cultivable and are not being utilised now are going to be acquired. If there are some lands adjoining some dwelling houses of some people certainly they are not going to be acquired. Or, there may be some lands left for cattle grazing and other similar purposes. So, in order to obviate these difficulties it would be wise on the part of Government to definitely make it clear that they do not want these lands.

**Mr. PRESIDENT:** Amendment moved that in sub-clause (*1*) of clause 1 of the Bill, for the word "Waste" in line 2, the word "Fallow" be inserted.

**Mr. SATISH CHANDRA SEN:** Sir, I rise to support this amendment. Sir, the mover of the amendment has rightly pointed out why this Bill should not be hurried through. Many loopholes will come out if the Government wants to hurry this Bill through and in future there will be more troubles. Sir, the "waste land" has been defined to mean any land which has been lying uncultivated since before the 31st day of January, 1947. The Hon'ble Minister has also said that for the purpose of afforestation this Bill was going to be introduced. This is a very laudable object no doubt. Now, Sir, if there are some forest lands belonging to some persons will those lands be acquired. Those lands may be considered to be fallow and therefore the Government might ask those lands. So, the Government must let us know what is at the back of their mind. Power will be given to any body—to an officer or to a collector—who will be in a position to say that this land or that land is fallow and his word will be final and there will be no remedy against that order. A man may be growing vegetables in his lands. There are a number of plantations in almost all parts of Bengal. There are lands on which bamboo trees are grown. To a certain extent these are fallow lands and they may be interpreted as waste lands because nothing of food-crops is grown thereon. In that view of the matter it may be considered as waste land but it is certainly not fallow because there are certain things which are grown there for which profits are taken by the owner and it cannot be equally considered as waste. So, Sir, I think that if the word "fallow" is introduced in place of the word "Waste" it will clarify the purpose to a certain extent and so I support this amendment.

**Mr. BIJOY SINGH NAHAR:** I rise to support the amendment. It has been rightly pointed out that the word "Waste" shoud be substituted by the word "Fallow". If you go into the definition of waste land, as has been given in the Bill you will find that the word "fallow" is the right word and it should be there in place of "waste lands". See the definition of "Waste land". "Waste land" means any land which has been lying uncultivated since before the 31st day of January, 1947, and includes benefits to arise out of such land and things attached to the earth, but does not include lands satisfying anyone of the five exceptions given under the definition of "waste land", *e.g.*, lands kept for industrial or building purposes, lands connected with the cultivation or manufacture of tea, etc., etc., although they may not be actually kept for such purposes, and lands other than those exempted under the five categories will be acquired, whether they are waste or fallow or whereon are grown trees, etc. Government means to improve the condition of land by cultivation for the purpose of grow more food, etc., etc., and want to acquire certain lands, as has been pointed out. I ask why lands on which are grown some plantation or other produce is grown should come under the definition of waste lands and be acquired by Government? These are not really waste lands because there are forests on some lands, bamboo trees on others—may not be exactly food-crops—fruits on some others. From the definitions in the Bill if the Collector intends or if a party in whom the Collector may be interested wishes a useful land may be branded as a waste land though in reality they may

not be waste lands. If you really meant it you would have included lands which yield certain other things which are grown on them, *e.g.*, bamboos, fruits, forests, etc., under the exemptions provided but we do not find away such thing in the Bill. Therefore the word "Waste" should be changed into "Fallow". There is another probability and it is a fact. A land has been kept for purposes of cultivation but for some reason, say for the reason that the brothers are fighting with one another and are not united in the matter of putting it under cultivation till a settlement is arrived at amongst themselves regarding certain issues and this uncultivated period is the period fixed in the Bill or more than that will that land be considered as waste land and acquired, although as a matter of fact they are not waste lands. They are fallow lands, cultivable lands and the Government if it thinks that it suits their purposes they can acquire these lands and can bring them under the definition of "Waste land". Really they may not be waste lands in the proper sense of the term.

With these words I support the amendment that has been moved by my friend Biswanath Roy.

**Mr. BANKIM CHANDRA DUTTA:** Sir, I support the amendment moved by my friend Mr. Biswanath Roy. Sir, the definition of waste land is "any land lying uncultivated since before the 31st day of January is a mischievous one as theh land remaining uncultivated may be so, for want of means, and not because the land is uncultivable, what Government should do is not to acquire lands which are lying uncultivated but should acquire lands which cannot be cultivated or are beyond cultivation. That should be a proper matter for legislation. Instead of that, we should have to find out what is the meaning of the word "waste" and have got to go and seek the opinion of the Collector or any officer who has been specially authorised by the Provincial Government, or the person acting as the Collector; and we all know, Sir, what type of men they will be to whom we shall have to go in order to learn the meaning of the word "waste". Probably it would depend upon the whim of a particular officer to call a land waste land or not as he chooses. Instead of that in every legislation Government should see that there is no room for dispute about the meaning of a particular word. No room should be left for doubt about any matter and I would suggest that in place of the word "waste" a better word would be substituted. I think the Hon'ble Minister certainly meant to acquire those lands only which the owners of the lands could not properly bring under cultivation. On the other hand, I think it is up to this Government, as Governments are doing in other provinces, to help owners of lands to bring into cultivation lands which could not be cultivated by them; we know that the other day one Provincial Government, I may name it, namely, the United Provinces Government, have succeeded in bringing into cultivation 14,000 acres of cultivable land not by acquisition, but by helping the owners of the lands both with men and material. That is what every Government should do. Instead of doing that, they are coming forward to pass legislation which surely is capable of being construed in a way that it is only to help a particular community that they are doing it, and not for the real purpose of helping the general public of Bengal. I would therefore request the Hon'ble Minister to accept this amendment because otherwise it would lead to a number of conflicting interpretations and even if the Bill purports to be of any benefit to any people it would in effect take away all the benefits from the hands of the people of the country.

With these words I support the amendment.

**Mr. LALIT CHANDRA DAS:** Sir, may I add a few words in support of this amendment. Certainly it is not the intention of Government to acquire cultivable land but lying uncultivated. But the word "waste" implies that Government may acquire even stony land—land which cannot be cultivated or cannot have any crop whatever. Is it the intention of

Government that they want to acquire land lying waste however uncultivable it may be? I do not think that is the intention of Government. If it is so, the word "waste" is not the appropriate word, and the word "fallow" is to be adopted as suggested by my friend Mr. Biswa Nath Roy in his amendment. For this reason I support it.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, the words "waste land" have been defined in the Act and it is very comprehensive and it bars out all the objections that have been raised by the Opposition. I oppose the amendment.

**Mr. PRESIDENT:** The question before the House is that in sub-clause (*1*) of clause 1 of the Bill, for the word "Waste" in line 2, the word "Fallow" be substituted.

The motion was put and a Division taken with the following result:—

**AYES—9.**

| | |
|---|---|
| Mr. Lalit Chandra Das | Mr. Biren Roy |
| Mr. Bankim Chandra Dutta | Mr. Biswanath Roy |
| Mr. Kamini Kumar Dutta | Mr. Patiram Roy |
| Rai Bahadur Brojendra Mohan Maitra | Mr. Charu Chandra Sanyal |
| Mr. Bijoy Singh Nahar | |

**NOES—21.**

| | |
|---|---|
| Mr. Abdulla-al-Mahmud | Khan Bahadur A. M. Shahoodul Haque |
| Mr. Nur Ahmed | Mr. G. J. K. Hook |
| Mr. Sadaruddin Ahmed | The Hon'ble Mr. Saiyed Muazzamuddin Hosain |
| Rai Bahadur Dhirendra Lal Barua | Mr. Latafat Hossain |
| Mr. Reajuddin Bhuiya | Khan Sahib Mobarak Ali Khan |
| Mr. Moazzem Hossain Chowdhury | Mr. Syed Abdul Majid |
| Khan Bahadur Abdul Latif Chowdhury | Mr. Abdul Rashid |
| Mr. Syed Fazle Rabbi Chowdhury | Mr. Amulyadhone Roy |
| Mr. D. J. Cohen | Mr. Md. Taufiq |
| Mr. E. D. Doyne | Khan Sahib Moulvi Wahiduzzaman |
| Mrs. Labanyaprobha Dutta | |

**Mr. BISWANATH ROY:** I move that in sub-clause (*2*) of clause 1 of the Bill, for the words "the whole of Bengal" in line 1, the words "all the districts of Chittagong and Dacca Divisions and to the district of Rajshahi, Pabna, Bogra and Rangpur" be substituted and all the words from "Calcutta" in line 1 to "and" in line 3 be deleted.

Sir, I again insist that this amendment at least be accepted and I really feel that the Ministry should not by their brute majority insist that all the clauses should be taken up and accepted as they are, setting aside our very reasonable amendments. In all fairness they ought to give us a chance, at least to this side of the province to have our own areas to be developed in our own way. We do not like, Sir, that Western Bengal should be interfered with by the Ministry in this way. This sort of land acquisition is certainly not accepted by the majority of the people living in Western Bengal because we feel, Sir, that they are not justified in redistributing the lands by robbing Peter and giving them to Paul. In any case I feel, Sir, that this amendment should be accepted and the people of this side of the province should not forcibly be dispossessed of their lands, especially when a new province is going to be constituted and the new Government will have their own schemes taken up. I therefore move that this be accepted.

**Mr. PRESIDENT:** Order, Order. Amendment moved that in sub-clause (*2*) of clause 1 of the Bill, for the words "the whole of Bengal" in line 1, the words "all the districts of Chittagong and Dacca Divisions and to the districts of Rajshahi, Pabna, Bogra and Rangpur" be substituted and all the words from "Calcutta" in line 1 to "and" in line 3 be deleted.

**Mr. LALIT CHANDRA DAS:** Sir, I rise to support the amendment of my friend, Mr. Biswanath Roy. Sir, if this amendment be accepted, then, Sir, sub-clause (2) of clause 1 will read as follows: "It extends to all the districts of Chittagong and Dacca Divisions and to the districts of Rajshahi, Pabna, Bogra and Rangpur except any area constituted a municipality under the provisions of the Bengal Municipal Act, 1932." It is the attitude of the Opposition and it is the intention of the mover of this amendment to make the Government confine its power to acquire waste lands within certain Divisions and within certain districts. I believe that this may be acceptable to the Government in view of the fact that Government will not require all the lands at the same time. If they can prove themselves successful by doing good work on the lands acquired from those areas only mentioned in their amendment it may very well be that they will not find themselves in any difficulty in extending the provisions of this Bill to other parts of Bengal at a future date provided at least they will continue to have jurisdiction over other parts at that future date which is doubtful at the moment as Bengal will be divided into two provinces. Knowing the facts as they are, when something is in the offing and when great changes are ahead there is absolutely no reason why Government should prove obdurate or should prove so unreasonable as to persist in their attitude to acquire all the waste lands of Bengal. The month of May is a very important month and startling events may in all probability happen and I think in the course of a fortnight the Minister will know where they stand and where we stand and it may very well be anticipated that the Hon'ble Minister will find all his love's labour lost. So it would be rather advisable on the part of the Hon'ble Minister-in-charge of the Bill to accept this amendment. With these words I support the amendment moved by my friend Mr. Biswanath Roy.

**Mr. BIJOY SINGH NAHAR:** Sir, I rise to support the amendment moved by Mr. Biswanath Roy. This amendment wants to change the words "the whole of Bengal" into "all the districts of Chittagong and Dacca Divisions and to the districts of Rajshahi, Pabna, Bogra and Rangpur", etc. Sir, the Hon'ble Minister-in-charge in a previous speech told us that he wanted to acquire land for certain purpose only as has been mentioned by him but he has not explained all the purposes that have been included in the definition of "public purpose". Probably he felt shy to give them utterance although he has put them in writing. But he knows in his heart of hearts that he cannot face the argument in support of the line put forward in the definition and hence I would like to tell him if he wants that afforestation of lands should begin, to begin with the districts and the places, he has definitely mentioned, namely, Bankura and Burdwan districts in Western Bengal only, as it seems that he is absolutely blind to the conditions in Eastern Bengal. He does not know what the Government should do or should not do in those parts of Bengal. He is jealous only of one part of Bengal that he has mentioned and he wants to guard jealously the rights and privileges of the persons of those places where he wants to put this peculiar law into operation. If Government want that the operation of this clause should begin at once, let him try and begin these things in these districts as in his opinion they have got a large number of waste or fallow land and other problems and begin to improve those places and help and be blessed by the people who would require all these benefits, though I am quite sure that the Minister or the Government, neither of them is willing to bring the Bill into operation in those places because they know in their heart of hearts that the people of those places are opposed to their Bill, this unwelcome Bill. If Government really want to improve agricultural condition or other conditions if they want that, it could have easily started various things to help the owners of the lands to cultivate their lands, by propaganda for afforestation of lands which is always a paying business to any landlord in any place. Afforestation is more paying than rent-paying places. The owners of lands would be very

much pleased if the Government came forward to provide them with means and scope for afforestation of their land, but I know, the House knows and the people know, that Government never means any business. They won't start anything except to provide a few people, their own favourites, and so on. They will have a big department, incur big expenditure but the work would be practically nil. They will show in the budget, amounts showing heavy expenditure for these purposes but any one who has seen, as I have seen, the activities of this Communal Ministry for the last ten years, they know that it has not been able to improve anything in this province of ours. Government have got no clear-cut policy; they simply want to go in here and there and fill up the gaps here and there. But they have not come forward with any definite proposal as yet for real improvement of the province. They have brought this Waste Land Bill and at the same time they have introduced another Bill—the State Acquisition Bill, that is, zemindari acquisition, and they have provided all the provisions of this Bill there. So this sort of duplication of work is going on. They do not know their own mind. They cannot decide which Bill they are to pass first in the Legislature. They themselves do not know what to do and they are only gambling with the rights and privileges of the people and bringing in these Bills in such a haphazard way that it is impossible for us to support them. So we urge upon the Government that they should accept the amendment of my friend Mr. Biswa Nath Roy and if they want really land let them acquire the land in certain places where they would find no opposition.

**Mr. PRESIDENT:** Mr. Nahar, it is a very old argument. You advanced those arguments in connection with other amendments.

**Mr. BIJOY SINGH NAHAR:** No, Sir, I said Government should accept the amendment and acquire land in places where there would be no objection.

**Mr. PRESIDENT:** But they are all old arguments.

**Mr. BIJOY SINGH NAHAR:** No, Sir, I am placing new arguments before the House. You know, Sir, that propanganda is a big thing and if we do not do a bit of propaganda in press and on the plattorm the ears and eyes of the Ministers and the Government will not be opened. So sometimes we have to repeat arguments just to convince all that it is not an easy nut to crack. As has been mentioned in this amendment, certain districts may be taken for the purpose of operation. We know that Chittagong and Dacca Divisions have enough uncultivable land or fallow lands as the definition suits the Minister. They can take up the work in those places and if they like they can begin their business—I do not know how they will begin their business, whether by corruption or jobbery—but let them take up their work there in any way they like. With these words I support the amendment.

**Mr. PATIRAM ROY:** মাননীয় সভাপতি মহোদয়, গভর্ণমেণ্টের পক্ষে এই Bengal Acquisition of Waste Land Bill আনার উদ্দেশ্য যদি waste land acquire করা হয়, তাহলে এই যে amendment আনা হয়েছে, এই amendment টি খুবই মূল্যবান এবং খুবই দরকারী। কারণ waste land তখনই বলা যায় যে landএ চেষ্টা করেও কোন কিছু কৃষিজাত ফসল বা কোন আয়কর দ্রব্য উৎপাদন করা না যায়। এই রকম landকেই waste land বলা যেতে পারে। চেষ্টা করলে বা যত্ন করলে যদি কোন landএ ফসল বা আয়কর দ্রব্য উৎপাদন করা যায় তাহ'লে সেটাকে waste land বলা যুক্তিসঙ্গত। ক্ষেত্রে বাংলাদেশে সমস্ত বাংলার পক্ষে যদি এই waste land আইন আনীত হয়, তাহ'লে একটি গুরুতর অসুবিধা হচ্ছে বাংলার পশ্চিম অংশে অর্থাৎ পশ্চিম বঙ্গে বহু হাজামজা নদী আছে এবং বহু স্থানে জল নিকাশের কোন ব্যবস্থা নাই। কাজেকাজেই এই জল নিকাশের কোন ব্যবস্থা থাকায় এবং নদীগুলিও বহতা না থাকায় সেখানে বহু জমিতে ফসল উৎপন্ন করা সম্ভব হয় না। সে ক্ষেত্রে গভর্ণমেণ্টের পক্ষে সর্ব্বপ্রথম ও সর্ব্বপ্রধান কর্ত্তব্য হবে সেই নদীগুলিকে বহতা করা, সেখানকার জমিতে

জল সরবরাহের ব্যবস্থা করা ও অন্যান্য সুযোগ সুবিধার ব্যবস্থা করা। তা না করে যদি সেখানে, গভর্ণমেন্টের দোষে আমি বলবো, যে জমি চাষবাসের অযোগ্য হয়ে আছে সেগুলিকে গভর্ণমেন্ট এখন waste land আখ্যা দিয়ে বিনামূল্যে গ্রহণ করতে চান, তাহলে সেটা গভর্ণমেন্টের পক্ষে মোটেই সঙ্গত কাজ হবে না। অন্য পক্ষে amendmentএ বলা হয়েছে—" all the districts of Chittagong and Dacca Divisions and to the districts of Rajshahi, Pabna, Bogra and Rangpur"—এই সব জেলায় বহু বহতা নদী আছে, এখানে নদীগুলি জীবন্ত, জোয়ার ভাটা প্রবল আছে। জমিতে নদীতে জল নিকাশের কোন বাধা নাই। এই সব সত্ত্বেও যদি কোন জমি চাষের অযোগ্য হয়ে পড়ে থাকে ও জমিতে কোন আয়কর ফসল চাষ করা না যায়, তাহলে সেগুলি প্রকৃত পতিত জমি বলা যেতে পারে। সেজন্য পশ্চিম বঙ্গে গভর্ণমেন্টের শৈথিল্যের জন্য, তাদের অযোগ্যতার জন্য, গভর্ণমেন্ট কর্তৃক চাষ না করার দরুণ সেই সমস্ত জমি পতিত আছে। সেই জমিকে পতিত আখ্যা না দিয়ে, যে সমস্ত বহতা নদী আছে, প্রকৃতি যাদের জল সেচের ব্যবস্থা করে দিয়েছে, সেখানেও যদি কোন পতিত জমি থাকে, তাহলে সেই জমিগুলি এই আইনের আমলে এনে গ্রহণ করা হোক। যদি তা করা হয় তাহলে গভর্ণমেন্টের পক্ষে একটা সুচারু কার্য্য করা হবে বলে আমার মনে হয়। সেজন্য এই বিলে যে "whole of Bengal" বলা হয়েছে সে কথাটা তুলে দিয়ে আমার বন্ধুবর বিশ্বনাথ রায় মহাশয় যে amendment এনেছেন সেটা গ্রহণ করা হোক এবং আমি এই amendment সমর্থন করছি।

**Mr. PRESIDENT:** The Hon'ble Minister.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I oppose.

(Mr. Bankim Chandra Dutta rose to speak)

**Mr. PRESIDENT:** I have already called the Hon'ble Minister to reply.

**Mr. BANKIM CHANDRA DUTTA:** But, Sir, I succeeded in catching your eye.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I oppose the amendment.

**Mr. PRESIDENT:** The question before the House is that in sub-clause (2) of clause 1 of the Bill, for the words "the whole of Bengal" in line 1, the words "all the districts of Chittagong and Dacca Divisions and to the districts of Rajshahi, Pabna, Bogra and Rangpur" be substituted and all the words from "Calcutta" in line 1 to "and" in line 3 be deleted.

The motion was put and a Division taken with the following result:—

**AYES—12.**

Mr. Lalit Chandra Das
Mr. Bankim Chandra Dutta
Mr. Kamini Kumar Dutta
Rai Bahadur Brojendra Mohan Maitra
Rai Bahadur Jogendra Nath Ray
Mr. Bijoy Singh Nahar
Mr. Biren Roy
Mr. Biswanath Roy
Mr. Patiram Roy
Mr. Birendra Kishore Roy Chowdhury
Mr. Charu Chandra Sanyal
Mr. Satish Chandra Sen

**NOES—24.**

Mr. Abdulla-al-Mahmud
Mr. Nur Ahmed
Mr. Sultanuddin Ahmed
Mr. Syed Babrudduja
Rai Bahadur Dhirendra Lal Barua
Mr. Moazzem Hossain Choudhury
Mr. Hamidul Huq Chowdhury
Khan Bahadur Abdul Latif Chowdhury
Mr. Syed Fazle Rabbi Chowdhury
Mr. Yusuf Ali Chowdhury
Mr. D. J. Cohen
Mr. E. D. Deyne
Khan Bahadur A. M. Shaheedul Haque
Mr. G. J. K. Hook
The Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain
Mr. Latafat Hussain
Khan Sahib Mobarak Ali Khan
Mr. Syed Abdul Majid
The Hon'ble Mr. Tarak Nath Mukherjea
Khan Bahadur Mukhlesur Rahman
Mr. Abdur Rashid
Mr. Amulyadhone Roy
Khan Sahib Maulvi Wahiduzzaman
Haji Md. Yusuf

Ayes being 12 and the Noes 24 the motion was lost.

**Mr. BIJOY SINGH NAHAR:** I beg to move that in sub-clause (2) of clause 1 of the Bill, after the word "except" in line 1, the following be inserted, namely:—

"Burdwan and Presidency Divisions and"

In that case it will read: It extends to the whole of Bengal except Burdwan and Presidency Divisions and Calcutta as defined in clause (11) of section 3 of the Calcutta Municipal Act, 1923, etc. Sir, I have put this amendment to exclude the Burdwan and Presidency Division from the operation of the Bill, because in Burdwan and Presidency Divisions the census figures of the different communities, Muslims, non-Muslims, show that in these two divisions there are a large percentage of non-Muslims and non-Muslims are more than the number of Muslims. At the present moment the non-Muslims of these two divisions do not desire that any such law should be thrust upon them.

**Mr. PRESIDENT:** I may again repeat that you are using the same old arguments.

**Mr. BIJOY SINGH NAHAR:** May be, Sir, but I am also using new and other arguments.

**Mr. PRESIDENT:** I am only reminding you to be on your guard.

**Mr. BIJOY SINGH NAHAR:** All right, Sir, thank you. I am using some old arguments as well as new arguments as amendments differ.

The people of those divisions, of which non-Muslims are in a majority, have opened their minds and what we find from different press reports and meetings of different associations, and of Bar Libraries, is that they do not want a communal government in this country, for they know that it will not do anything for them. This Bill wants to take away the lands of owners practically for nothing. The compensation that has been suggested is only ten rupees per acre, that means rupees three and some odd annas for a *bigha*. Sir, nobody can imagine even for a moment that in the Burdwan or in the Presidency Divisions any land anywhere whether waste land or fallow land or river land or any sort of land for the matter of that, can ever be purchased at three rupees and some odd annas per *bigha*—nobody can imagine that and yet Government want—

**Mr. PRESIDENT:** Order irder. You may continue your speech tomorrow, Mr. Nahar.

The House now stands adjourned till 1-30 p.m. tomorrow.

## Adjournment.

The Council then adjourned till 1-30 p.m. on Tuesday the 6th May, 1947.

**Members absent.**

The following members were absent from the meeting held on the 5th May, 1947:—

(1) Mr. L. P. S. Bourne.
(2) Khan Bahadur Syed Abdur Rashid Chowdhury.
(3) Mr. Abdul Hamid Chowdhury.
(4) Mr. Yusuf Ali Chowdhury.
(5) Mr. C. E. Clarke.
(6) Mr. Hemendra Kumar Das.
(7) Alhaj Yar Ali Khan.
(8) Khan Bahadur Sheikh Fazal Ellahi.
(9) The Hon'ble Mr. Abdul Gofran.
(10) Mr Mungturam Jaipuria.
(11) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(12) Mr. Satish Chandra Jana.
(13) Mr. Humayun Z. A. Kabir.
(14) Mr. Abdul Latiff.
(15) Mr. Nagendra Nath Moholanabish.
(16) Mr. George Morgan, C.I.E.
(17) Mr. A. McLaren.
(18) Khan Bahadur Ghyashuddin Pathan.
(19) Dr. Kumud Sankar Ray.
(20) Dr. Kasiruddin Talukdar.

WBGP-48/9-1062A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1947—No. 39.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 6th May, 1947, at 1-30 p.m., being the 39th day of the First Session of 1947, pursuant to section 62(2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD ROY, K.C.I.E.) was in the Chair.

## Scarcity of rice in certain Districts.

**Mr. PRESIDENT:** I understand the Chief Minister will not be able to be present here. So his question is held over.

**Mr. LALIT CHANDRA DAS:** On a point of information, Sir. May I, through you, draw the attention of the Government to one very important fact. It is this that Bengal is on the verge of famine. The price of rice in Barisal has run up to Rs. 25 per maund and same is the case with Dacca Faridpur and Noakhali. Great scarcity is prevailing there and there is a great danger of famine. We hear that stocks in the Government godowns are very short and they are practically empty. We should like to know whether it is a fact. This, Sir, is a very serious thing and we cannot gloss over the matter. These four districts, Barisal, Dacca, Faridpur and Noakhali have been very much affected. We want Government to make a statement to reassure the position whether they are short of rice, whether Government are in a position to rush rice to the distressed areas. These are facts on which the public will be glad to be informed.

**Mr. PRESIDENT:** Hon'ble Leader of the House.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Sir, we are in the position in which we were this time last year and from last year's figures we could see that there is a definite tendency of price going down and the position is improving. Government have as much stock as they had last year and we hope procurement will be still better from now. This much I can say. It is not correct to say that Government godown are all empty. Procurement is quite satisfactory during the last month or two and it is hoped that the situation will be properly tackled.

**Mr. LALIT CHANDRA DAS:** What steps are being taken by Government? In order to give relief to these districts what steps Government are taking and whether the price is Rs. 25 per maund in these places and whether poorer sections of the people can purchase rice at that high price? These are things which Government should take into consideration immediately and immediate steps should be taken to tackle the situation.

**The Hon'ble Mr. SAIYED MUZZAMUDDIN HOSAIN:** The tendency last week shows the price to go down. Though in certain areas the price is Rs. 25 and 26 per maund they now show signs of going down and the position is now better.

Well, people are purchasing rice even now. Of course, I fully realise that high price is very detrimental to the interest of the common people. Government is doing everything possible. They are rushing stocks which they have procured to the deficit areas.

**Mr. LALIT CHANDRA DAS:** Do you admit that there is scarcity in these areas?

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** No, but when the price is so high there must be some hardship, but the pinch of scarcity is not so much as to receive any special consideration.

## The Bengal Acquisition of Waste Land Bill, 1947.

**Mr. PRESIDENT:** Now, Mr. Nahar will speak on the Acquisition of Waste Land Bill. Yes, Mr. Nahar.

**Mr. BIJOY SINGH NAHAR:** Sir, as I was pointing out yesterday, this Burdwan Division is composed of people who comprises the majority in these districts and they do not like that such an Act should be thrust upon them.

The next point is that Government wants to take out their lands practically without anything, as has been mentioned, the Government wants to give about Rs. 10 an acre. That is also a dangerous point that you want to take out lands at such a cheap price. It is rather robbing Peter to pay Paul.

Mr. Fazlur Rahman has pointed out that they want these lands in Bankura and Birbhum to be afforested. May I know what they were doing all these 10 years. Were they sleeping for the last 10 years? This Ministry was in power for all this time and they did not do anything. They did not act. They did not even try to improve the condition of these places for which they are so passionately feeling now. I would say at the fag end of their career they are going to do this mischief, really they do not want to improve the lands but they want to bring more mischief to the lands, to bring more distress to the people. They feel that this should be done or that should be done. They have no scheme. If they had the good intention in their heart of hearts they would bring in some schemes—some definite schemes on which we could give our suggestions. They have brought this Bill only to teach us a lesson. The Minister in charge did not point out clearly what he was going to do with these waste lands. He merely said that he was going to take these lands for afforestation. He accuses the Opposition for standing in the way of his acquiring these lands. But unless we know definitely for what purpose they want it how can we allow him to acquire these lands. His is a cry in the wilderness, for he does not feel any inclination to improve these lands. Only they want to do some mischief and nothing else. I do not understand why they cannot acquire lands in the East Bengal. Let them show that they want to do real good to the people. Let them acquire the waste lands of East Bengal and improve them. No one would grudge their taking lands in the East Bengal. But why do you come to West Bengal to acquire these lands? Up till now we have not seen any good, any good thing that has been done by the Ministry or the party to which the Ministry belongs for the last ten years. You have only thought and thought, or rather you have only tried to mince matters. (The Hon'ble SAIYED MUZZAMUDDIN HOSAIN: What about the Money-Lenders Bill?) You have not done anything definite. (The Hon'ble SAIYED MUAZZAMUDDIN HOSAIN: What about the Tenancy Bill?) So I would say that if you want to work the Bill, you should accept our proposal and try your schemes in certain parts and show that you really want to improve the lands. In that case there will be no difficulty. I would say that this is not the time to bring such bills; the time is rather bad. We on this side of the House do not feel confidence in you: neither do you feel any confidence in this side of the House. The whole of Bengal is feeling contradictory things in their heart of hearts. Two communities are already fighting with each other and we do not feel that we should work or you should work or anybody should work in the proper line. So Sir, I would say that this is not the time when you should bring forward or introduce such bills which will create more misunderstanding and then more ill-feeling and more fighting. Sir, I am sure nobody in this House,

either the Ministerial bench or the Opposition would like to have more disturbances created in the State. So it would be better if my amendment is accepted. This would really help the matter and would also prove your sincerity, that you are not bent upon doing mischief in Western Bengal or in the divisions of Burdwan or Presidency but that you really want to improve the whole of Bengal. Sir, I would appeal to the Minister in charge not to play with fire, not to show by mere words that he feels for Bengal, that he is equally interested in all lands and this thing and that but they should come forward with real propositions. Further I would like to say this that you know that this Bill cannot come into operation very quickly. As it stands at present and the amendments stand as they are, it will take some time to pass this Bill in this House. Further you have to carry it to the Lower House where you also know and we also know that it won't have an easy passage and so to get this bill passed it will take a long time (The Hon'ble SAIYED MUAZZAMUDDIN HOSAIN: if you obstruct it of course). We will obstruct it and we mean to obstruct it. So this won't come into operation very soon and even if it be passed you should take some time to make out your schemes and other things before acquiring the lands and this will not take less than a year and within a year surely there will be great changes and no such laws will be necessary especially for this part of Bengal. And so when you know that you cannot bring into operation this law before one year at least in any manner you please, even if you want to hurry it through you can't bring this bill into operation within one year. It is absolutely certain and when you know this why are you hurrying it through. One argument put forward by the Hon'ble Minister was that the Bill for the acquisition of the zemindari would not come into operation very soon. Sir, I do not know whether the zemindari acquisition bill will come into being or not (The Hon'ble SAIYED MOAZZAMUDDIN HOSAIN: It will take 15 years to complete acquisition of the zemindari). The Hon'ble Leader of the House says that it will take 15 years for that bill to come into operation. Why should it take 15 years? If you want to take the zemindaris you take them now and don't take land laws part by part and create more mischief and more trouble in the country. Now, Sir, I would plead that the Burdwan and the Presidency Divisions should not be made a party to this thing. Let them try this Bill in other Divisions.

**Mr. PRESIDENT:** Amendment moved that sub-clause (2) of clause 1 of the Bill, after the word "except" in line 1, the following be inserted, namely:—

"Burdwan and Presidency Divisions and"

**The Hon'ble Mr. MUAZZAMUDDIN HOSAIN:** I rise to oppose the amendment. It has been said by the honourable mover of the amendment that the Muslim League Ministry did not care to do anything for acquiring waste lands during these ten years of their existence. But, Sir, he should remember that the Muslim League Ministry has never been as secure as it is now, as it had always to depend upon many other factors, specially the European group. (Mr. LALIT CHANDRA DAS: The Ministry is most insecure now). Sir, the Ministry is now in a position to get on with real ameliorative measures which are likely to help the masses and the down-trodden.

Sir, the honourable members opposite have been putting forward such absurd arguments in support of their amendments to this Bill that they call for no reply. Only a few of them that required any reply have been replied to by the Hon'ble Minister in charge of the Bill. But our friends still persist that a crushing reply should be given to their arguments and I have come prepared today to give such a reply. Sir, it is stated by the Opposition members that the Muslim League Ministry wants to acquire the waste lands of Bengal at a nominal price for settling them with the Behari Muslim refugees and as west Bengal is as a matter of fact going

to be carved out into a separate province should be excluded from the purview of this Bill. They also argue that there are similar provision for acquisition of waste lands in the State Acquisition Bill and yet the Bill is being rushed through for forestalling the impending partition.

At the very outset, Sir, I may say what has been repeatedly said by the Hon'ble Minister in charge of the Bill, that only one of the several object of the Bill is to secure lands for settlement with uneconomic holders with landless cultivators residing in Bengal. Our friends however will not be satisfied with the reply as long as they continue to suffer from the disease of Bihar-phobia. The honourable members argue that the Bill is being rushed through for settling lands with the Biharis and at the same time they make no secret of the fact that they expect orders of partition within a few weeks. If the partition of Bengal actually materialises the new province of West Bengal will be under a Hindu Ministry and it will be fully competent to deal with the waste lands just as it likes. The Act will merely give them powers to acquire such lands and it will be for them to exercise the powers or not. It is not therefore understood how the passage of the Bill will in any way affect the Hindu interest of west Bengal. The real object of our friends opposite in obstructing the passage of the Bill is due to the fact that it encroaches on the vested interests of the landed aristocracy. Although they profess to be the friends of the masses, yet the very fact that they do not want this Bill to be enforced in west Bengal is a clear indication of the side for which their sympathies lie. The honourable members do not like that even waste lands which have been lying waste for years in spite of pressure of population on land and the food shortage, should not be acquired with a view to reclaiming them and utilizing them for the benefit of the country and its down-trodden mass, only because it will affect the prestige of the landed aristrocracy. They do not want any improvement in the economic condition of the country or its poorer classes at the cost of the vested interests. Although they are ostensibly the sympathisers of the poor, really they are the true friends of the vested interests and that is why they are following an obstructive policy in connection with this Bill. If the Bill is passed, they apprehend it will be difficult for them to establish a caste Hindu oligarchy in West Bengal, as there will be demand from the poorer classes for state acquisition of waste lands for settlement with unconomic holders and landless agriculturists after reclamation. The demand will be irresistible and the dream of a caste Hindu oligarchy in West Bengal will not be realised. Sir, the cat is out of the bag and however much my friends opposite may try to conceal the real motive, the amendments tabled by themselves reveal it?

One of the opposition members has stated that he suspects that the waste lands are being acquired in a hurry to prevent landlords getting the benefit of improvement from development schemes like those of Damodar and Moor schemes in West Bengal. This also, Sir, reveals undue solicitation for landlords' interests. I do not see why the unearned income from such improvements should go to the landlords. It should certainly go to the State and so it will be only meet and proper to prevent unearned income going to the owners of lands.

The Muslim League Ministry stands for helping the mass and the down-trodden irrespective of caste and creed, and it is eager that not a day should be lost in enacting measures which will benefit the mass and help the economic development of the country. It will be criminal at this critical time to allow reclaimable waste lands to lie waste. It would not be unfair even to expropriate such land and to acquire them without compensation for the benefit of the country and its people, but because of section 299 of the Government of India Act, we have to give the landlords some compensation though they deserve nothing. They have no right to possess lands which they cannot utilize specially when there is possibility of their being usefully employed.

I hope, Sir, I have given my friends opposite a crushing reply to their arguments and they will not kill the time of the House by putting forward the same absurd arguments *ad nauseam*. With these words I oppose the amendment.

**Mr. LALIT CHANDRA DAS:** Sir, I support the amendment which has been moved by my friend Mr. Nahar. The Leader of the House rising in opposition to this amendment has said before this House that the Muslim League never felt themselves more secure than now. I cannot congratulate my friend on his intelligence with regard to this particular point. It is known to everybody that if at any time the Muslim League Government was insecure it is now, for there is the rebel Muslim League group of 80 members working for its downfall. Indeed everything bodes for its downfall. This is in reply to his point number one. In respect of his point number two, namely settling the waste lands with the landless people and not with the Behari refugees, I may say that while replying to my motion for the circulation of the Bill for eliciting public opinion the Hon'ble Minister in charge Mr. Fazlur Rahman stated that under certain circumstances things may so turn out that they would have to settle the lands with the Bihar refugees. He had the honesty to say that circumstances may so turn out that Behar refugees may have to be settled in those lands. So after what has been said by the Hon'ble Minister in charge himself we cannot accept the statement of the Leader of the House. Really it is a matter of great suspicion that the lands are going to be hurriedly acquired at a nominal cost, practically for a song, with a view to settling them with Behar refugees. The Leader of the House stated that if the partition of Bengal actually takes place the new province of West Bengal would be under the Hindu Ministry and they would be in a position to utilise the waste lands just as they like, but before power is taken by the Ministry of the new province if the land is actually settled what would the Hindu Ministry say to the settlers and why should there be a loophole for creating trouble with them? So, I say that the argument that when the Hindu Ministry comes they will be benefited by this Bill is also very illusory, indeed totally wrong.

Sir, there is another stand point why this amendment should be accepted. This amendment urges that so far as the application of this Bill is concerned, the Burdwan and Presidency Divisions should be left out. We are standing in a peculiar position. We come from East Bengal and after the sad events in Noakhali and Tippera, we can ask for partition at our peril. This is a communal Ministry and if the Hindu residents of the East Bengal have to come out of the East Bengal there must be some lands to fall back upon and this West Bengal is our spring board. Their idea is to acquire these waste lands at Rs. 10 an acre. Now, Sir, in the Presidency and Burdwan Divisions there are some irrigation schemes ahead. The lands in these places will be certainly very very valuable after those schemes have been put into operation. Therefore their intention is to grab these lands so that they may make a good profit out of this. Sir, it is the duty of the legislators to scrutinise the actions of Government. They should not be free to do anything and everything. The legislators are here to see that no power is given to the Government more than is actually required. Have the Government satisfied us by their past conduct? Their past conduct is not so good. Do they want to acquire all these 30 lakhs acres of lands? Let them clearly say how much land they want to acquire. They should not claim to acquire the whole waste lands of Bengal unless they have an ulterior motive, a sinister motive behind their mind. It is after all a communal Government. It is not a national Government. Had it been a national Government we could have understood the gesture. The Leader of the House has already given out his mind that they wanted to take the whole lands practically without any price but they have given some price only to evade the provision of section 299 of the Government of India Act. It is communalising the whole waste lands of Bengal. They should

not apply their brute majority of votes in the House to take away these waste lands. They should leave out these two Divisions. With these words, Sir, I support the motion of Mr. Bijoy Singh Nahar.

**Mr. PATIRAM ROY:** মাননীয় সভাপতি মহোদয়, শ্রীযুক্ত বিজয় সিংহ নাহার মহাশয় যে amendmentটী move করেছেন, আমি সেটা সমর্থন করছি। এই বিলের লীওতা থেকে প্রেসিডেন্সি এবং বর্দ্ধমান বিভাগকে বাদ দেওয়ার এই প্রস্তাব অত্যন্ত যুক্তিসঙ্গত হয়েছে। আর এই দুটি বিভাগ সহ সমস্ত বাংলার সমস্ত পতিত জমি সম্বন্ধে এত তাড়াতাড়ি করারও বিশেষ কোন কারণ নাই। এই বিল পাশ করান সম্বন্ধে আমরা প্রথম থেকে এই তাড়াতাড়ি ভাব দেখে আসছি। এই Bengal Acquisition of Waste Land Billএর Select Committeeর আমি মেম্বার ছিলাম। সেখানেও দেখেছি—একটা যেন তাড়াহুড়া—যত তাড়াতাড়ি এটাকে পাশ করিয়ে দেওয়া যায় ততই মঙ্গল। সেখানে যেন এক মিনিট সময় দিতে গেলেও মাননীয় মন্ত্রী মহাশয়ের প্রাণে কত আঘাত লাগে। ভারপ্রাপ্ত মন্ত্রী মহাশয়ের এই ভাব সেই সময় থেকে দেখছি। এই একটা বিল পাশ করার উপর বাংলার লক্ষ লক্ষ লোকের সুখ-দুঃখ নির্ভর করছে। সেটা পাশ করাতে গেলে, এই হাউসের যাঁরা মেম্বার আছেন তাঁদের ধীরস্থিরভাবে ভাববার কিছুটা সময় দেওয়া উচিৎ। ইতিপূর্ব্বে আইন সভায় যখন কোন বিল পাস করান হ'ত সেটা এইভাবে সময় দিয়ে সকলের ভাববার অবসর দিয়ে, তার ভালমন্দ দেখে পাশ করান হ'ত। আর এবারে দেখছি এই বিল পাশ করাতে যেয়ে যেন কি এক তাড়াহুড়া লেগেছে। এই তাড়াহুড়াতেই আমাদের বিশেষ সন্দেহ হয়—হয়ত বা এই বিল পাশ করানোর তলদেশে মস্তবড় একটা দুরভিসন্ধি নিহিত আছে। এখানে অনেকে অনেক রকম বিলের মন্দের দিক্ দেখিয়েছেন। কিন্তু মাননীয় মন্ত্রী মহোদয় এক কথায় সবই অস্বীকার করে যান যে না, "বিহারী রিফিউজী" আমি বসাবো না, আমি এটা নিয়ে দেশের জনসাধারণের মঙ্গলজনক কাজ করবো, দরিদ্র জনসাধারণের খাওয়া পরার ব্যবস্থা ক'রব ইত্যাদি নানা রকম সব বড় বড় কথা। কিন্তু এই বিলের তাড়াহুড়া লাগানোর মধ্যে একটা বিষয় আমার মনে হয়—হয়ত বা আজ বাংলার কেবিনেটের সদস্যগণের মধ্যে বিশেষতঃ এই বিলের "ইনচার্জ্জ" মন্ত্রী মহাশয়ের মাথার মধ্যে একটা ভয়ানক আতঙ্ক এসে গিয়েছে। সেটা হচ্ছে "বঙ্গ বিভাগের কথা" যেটা বিরোধীদল থেকে বার বার বলা হচ্ছে। মন্ত্রী মহাশয় অনেক সময় তা স্বীকার করতে চাচ্ছেন না। কিন্তু বঙ্গ বিভাগের এই যে আতঙ্ক হয়ত তাঁর মাথার মধ্যে প্রতি মিনিটে খেলে যাচ্ছে। আজ বাংলার লীগ আসামকে নিয়ে যে অবস্থায় ফেলেছে, আসামের উচ্ছেদ নীতি যেভাবে পরিচালনা করার জন্য বাংলার লীগ উঠে পড়ে লেগেছে আসামের প্রান্তভাগে "পূর্ব্ব লীগ কিল্লা" স্থাপন করেছেন; তাতে এ কথা স্বতঃই মনে হয় হয়ত এই পূর্ব্ব থেকে এখানের লীগনেতা তথা এই বিলের ভারপ্রাপ্ত মন্ত্রী মহাশয়ের মাথায় দূর ভবিষ্যতের একটি ষড়যন্ত্র কৌশল চেপে ব'সেছে। পশ্চিম বাংলা যখন সত্যি সত্যি ভিন্ন বা পৃথক প্রদেশে পরিণত হ'বে তখন এই বঙ্গ বিভাগের ফলে—

**The Hon'ble Mr. FAZLUR RAHMAN:** May I Sir, draw your attention to the irrelevancy of Mr. Patiram Roy's speech.

**Mr. PRESIDENT:** I think the Hon'ble the Leader of the House set a bad example by speaking on general politics a little while ago and under the circumstances I have to allow the Opposition also to speak very generally. I even thought as much that the Hon'ble the Leader of the House was going astray at one stage.

**The Hon'ble SAIYED MUAZZAMUDDIN HOSAIN:** I did not go astray. The Opposition spoke why Western Bengal should be excluded from the operation of this Bill and my observations were in reply to that.

**Mr. PRESIDENT:** I am afraid you spoke on general politics.

**The Hon'ble SAIYED MUAZZAMUDDIN HOSAIN:** I did not think I did so.

**Mr. PRESIDENT:** You did so, Mr. Muazzamuddin Hosain. You spoke on general politics and so it is very difficult for me to restrain the Opposition from speaking on general politics. I regret it.

I would just suggest both to the Government and to the Opposition to avoid this general discussion because we have already passed that stage and the Opposition should confine themselves to the specific motion before the House because the amendments have been tabled by the Opposition. So they should try to support their party amendments if they can by advancing only relevant arguments and Government if they want to oppose these amendments should also be equally relevant in their observations. So, Mr. Roy, I would ask you not to emulate the Hon'ble the Leader of the House in this matter.

**Mr. BANKIM CHANDRA DUTTA:** We have got to follow the Leader of the House, Sir.

**Mr. PATIRAM ROY:** বঙ্গ বিভাগের ফলে হয়ত পশ্চিম বাংলা অর্থাৎ বর্দ্ধমান এবং প্রেসিডেন্সি বিভাগ যে মন্ত্রিত্বের অধীনে পড়বে—সেটা হয়ত হবে হিন্দুর প্রাধান্য। এই বর্দ্ধমান ও প্রেসিডেন্সি বিভাগ—এখানে হিন্দুর সংখ্যা মুসলমান অপেক্ষা অনেক বেশী। বর্দ্ধমান ও প্রেসিডেন্সি বিভাগকে কেন বাদ দেওয়া হবে আমি তাই বলছি। এখন থেকেই প্রেসিডেন্সি ও বর্দ্ধমান বিভাগের জমিগুলি তাড়াতাড়ি acquire করে এই বিহার থেকে আগত, যারা দুর্গত, নির্যাতিত ও আতুর বলে কথিত, তাদের সেখানে বসিয়ে দেওয়া হবে এবং আমাদের খুব বেশী সন্দেহ হয় যখন সত্যি সত্যি বঙ্গ ভঙ্গ হয়ে যাবে তখন আজ আসামে যে অবস্থা করা হচ্ছে, এই পশ্চিম বাংলার এখানেও সেই অবস্থা করা হবে। তখন হয়ত দেখা যাবে এই কলিকাতায় বা সন্নিহিত কোন স্থানে গঙ্গা নদীর তীরে "পশ্চিম কিল্লা" স্থাপিত হ'য়েছে। এই কাজ খুব তাড়াতাড়ি করে নেবার জন্য আজ এই বিল পাশ করবার জন্য এত তাড়াহুড়া করা হচ্ছে। এ ছাড়া এই তাড়াহুড়ার আর কোন কারণ থাকতে পারে না। তাই আমি বলছি বর্দ্ধমান ও প্রেসিডেন্সি বিভাগকে এই বিলের আওতা থেকে বাদ দেওয়া হউক।

আমার দ্বিতীয় কথা হচ্ছে, বর্দ্ধমান ও প্রেসিডেন্সি বিভাগে গ্রাম্য উন্নয়ন ও সেচ এবং কৃষি-বিভাগ থেকে বহু scheme ও project pending আছে। তাছাড়া কতকগুলি scheme ও কার্য্যে পরিণত করান হচ্ছে, কয়েক বৎসর যাবৎ কতকগুলি কাজ ও করা হয়েছে এবং এ বৎসরও কয়েকটি কাজে হাত দেওয়া হয়েছে। দৃষ্টান্ত স্বরূপ আমি বলতে পারি যশোহর জেলার Bhairab Scheme অনেক দিন থেকে আস্তে আস্তে এই scheme এ কাজ করা হচ্ছে। ভৈরব নদী বহতা না থাকায় বহু জায়গা বহু দিন থেকে পতিত পড়ে আছে। আমার বিশ্বাস এবং যে বিশ্বাসের জন্য এই schemeকে কার্য্যে পরিণত করা হচ্ছে সেই scheme কার্য্যকরী হ'লে পরে হয়ত ভৈরবের পার্শ্ববর্ত্তী পতিত জমি বহু উঠিৎ বা চাষাবাদ করা হয়ে যাবে—বহু জমি চাষ ও বাসের যোগ্য হ'বে।

তারপর খুলনা জেলায় দাঁতভাঙ্গা scheme— এই বৎসরে কাজ আরম্ভ হয়েছে। আমি জানি এই স্থানে প্রায় ৩০ হাজার বিঘা জমি বহু কাল থেকে পতিত আছে। এবার সেখানে খাল কেটে জল নিকাশের ব্যবস্থা হ'চ্ছে। যদি খাল কাটা হয়, আসছে বৎসর দেখা যাবে সেখানে সেই ৩০ হাজার বিঘা জমিতে ভাল ফসল হয়েছে। এই বিল থেকে বর্দ্ধমান এবং প্রেসিডেন্সি বিভাগকে বাদ দিয়ে বাংলার অন্য অংশ এই বিলের আওতায় এনে পরীক্ষা স্বরূপ পরিচালনা করা উচিত। আমি যে সমস্ত schemeএর কথা বল্লাম এগুলি কাজে পরিণত করার পরে যে সব জমি সত্য সত্যই পতিত থাকবে সে সব জমি waste and এর definitionএর মধ্যে পড়ে যাবে এবং সেগুলি acquire ক'রলে কারও আপত্তি থাকবে না। যদি দেরী করা হয় তা'হ'লে আমার মনে হয় বিলের কোন ক্ষতি হ'বে না এবং বর্ত্তমান Cabinetএর পক্ষে অনিষ্টকর কোন কার্য্য করা হ'বে না, বরং দুইটি বিভাগের প্রভূত উপকার করা হ'বে। এই প্রসঙ্গে আর একটি বিষয় বিশেষ লক্ষ্যণীয়। Houseএর সকলে অবগত আছেন বর্দ্ধমান ও প্রেসিডেন্সি বিভাগের বিশেষতঃ এই দুই বিভাগের দক্ষিণ অংশের জেলাগুলির প্রধান সমস্যা হ'চ্ছে বাঁধ সমস্যা। নদীর ধারে বাঁধ বেঁধে যত জমিতে চাষ আবাদ করা হয় সে জমিগুলি অত্যন্ত উর্বর এবং চাষের যোগ্য। তাকে পতিত জমি কোন কারণেই বলা যেতে পারে না। আমি বলবো এগুলি পতিত পড়ে আছে গভর্ণমেণ্টের অবহেলার জন্য—গভর্ণমেণ্ট লক্ষ্য করেন না তাই পতিত আছে। সে জমিগুলির ধারে বাঁধ বেঁধে দেওয়ার জন্য বহু দিন ধরে জনসাধারণ গভর্ণমেণ্টের কাছে বহু প্রকার আবেদন নিবেদন করে আসছে। এই জমির ধারে বাঁধ বেঁধে দেওয়ার জন্য যিনি আমাদের বর্ত্তমান প্রেসিডেন্ট তিনি যখন Revenue Minister ছিলেন তখন তিনিও বহু চেষ্টা করে আসছিলেন।

তারপর থেকে তিনি ছেড়ে আসার পর সেই বাঁধ বন্দীর কার্য্য সেখানে full stop হয়ে আছে আর এক পাও অগ্রসর হয়নি, এবং সে জমিগুলি পতিত পড়ে আছে। সেখানে কৃষকেরা ফসল উৎপা করতে পারে না। সেখানে বাস করতে না পেরে তারা অন্যত্র চলে যাচ্ছে। আজ যদি এই বিলটা পা করার পরে মন্ত্রী মহাশয় ইচ্ছামত একজন Collector নিযুক্ত করেন এবং তিনি ঘোষণা করে দেন যে সমস্ত জমি waste land, বাস! তা'হলে ঐ সমস্ত জমি বিনা পয়সায় গভর্ণমেণ্টের ঘরে আসবে এবং যদি উদ্দেশ্য থাকে যে তাঁরা কোন বিশেষ লোককে বন্দোবস্ত করে দিবেন তা'হ'লে এই ১০ দশ টাক করে acre নিয়ে আবার বন্দোবস্ত করতে গেলে হয়ত বা ৩০০ টাকায় বন্দোবস্ত করা যেতে পারে আর যদি সত্যই পতিত জমিকে waste land বলা হয় তা'হ'লে আপত্তি করার কিছু নেই। তা আমি বলি তাড়াতাড়ি করে আগে এই জমিগুলি waste land বিলের আওতায় না এনে কি সময় দেওয়া হউক এবং মন্ত্রী মহাশয় নিজে চেষ্টা করুন বাঁধবন্দী যাতে ভাল হয় এবং ঐ জমিগুলি যাতে ভাল ফসল হয়। এত দিন যখন গিয়েছে আর পাঁচ বৎসর না হয় যাবে। এই সুন্দরবন অঞ্চলে জমির বাঁধবন্দী গভর্ণমেণ্ট যতটা সম্ভব কার্য্যে পরিণত করুন। যাতে সে জমিগুলি চাষ আবাদে যোগ্য করতে পারেন তার চেষ্টা করুন। তারপরে প্রেসিডেন্সি ও বর্দ্ধমান বিভাগকে এই বিলের আওতা এনে সেখানের জমিগুলি acquire করুন, আমাদের আপত্তি থাকবে না। এই সম্বন্ধে একথা বলাও অপ্রাসঙ্গিক হ'বে না যে বর্দ্ধমান এবং প্রেসিডেন্সি বিভাগে বেশীর ভাগ হিন্দু বাস করে। এ House এ দেখছি একজন হিন্দুও চাচ্ছে না যে Bengal Land Acquisition Bill পাশ কর হউক। যখন একজন হিন্দুও চাচ্ছে না তখন বাংলার সে অংশ—

**Mr. AMULYADHAN ROY:** না এটা সত্য নয়।

**Mr. PATIRAM ROY:** Mr. Roy হয়ত পুরা হিন্দু নন। কাজেই বাংলার যে অংশে হিন্দুর বাস অধিক সে অংশ বাদ দিয়ে অন্য অংশ বিলের আওতার মধ্যে এনে কিছু দি পরীক্ষা করা হউক। তারপরে অন্য অংশ বিলের মধ্যে আনা হউক। এই আমার আপত্তি এবং প্রস্তাব এই কথা বলিয়া আমি শ্রীযুত নাহারের amendment সম্পূর্ণ সমর্থন পূর্বক আমা আসন গ্রহণ ক'রছি।

**Mr. BANKIM CHANDRA DUTTA:** Sir, it is unfortunate that on th last occasion when I stood up, although I tried to catch your eyes, I wa not given an opportunity to speak.

**Mr. PRESIDENT:** All right you may speak now.

**Mr. BANKIM CHANDRA DUTTA:** Thank you, Sir. I would n have at all risen, because so far as this amendment is concerned, the pos tion has been very ably explained by Mr. Roy. But in view of the fa that the Leader of the House took upon himself the responsibility of mal ing statement here as regards the old policy of the League Governmen and the present position of the League Government, it has prompted m to say a few words in reply. Probably the Hon'ble Minister can recognis some of us here who have been here since the very inception of the preser system under 1935 Act and if my friend says now that the old Ministr was insecure I am sorry to say that he is not doing himself justice. Th very fact that in the old ministry they depended on others would show th they were more representative and popular at that time. They were mo secure then. (The Hon'ble Mr. Saiyed Muazzamuddin Hosain: No, w were not secure then. We had to depend on others and so we could n carry out any ameliorative measures for the good of the people). Th Ministry did not at that time incur the odium which you are incurring now Though you are feeling that you are very much secure, it is practically a open secret now that even amongst yourselves there is going to be a chang (The Hon'ble Mr. Saiyed Muazzamuddin Hosain: That is quite natural If that is quite natural, then for Heaven's sake do not say that your posi tion is more secure now than before. My honourable friend has made a allegation that we are opposing this Bill to establish a Caste Hindu oli garchy. I refute that statement. The Hon'ble Minister could not shu his eyes to the fundamental rights which have been enunciated by th

Central Government Bill. The Hon'ble Minister, is perturbed over the idea of a Union Ministry in West Bengal but let me tell him he need not be anxious. This West Bengal ministry is going not to be a caste Hindu Raj or Muslim Raj but a Raj of the people, by the people and for the benefit of the people. So, I wish that you should not loosely characterise a Ministry which is not in being but which is certainly coming, irresistible, and I think as a responsible Minister he should not have made that observation at all.

Coming to the particular amendment, I will just say only a few words. We have all seen, Sir, that this particular Bill is without any definite plan or a scheme. If there had been any plan or scheme we could have analysed that carefully or if any facts were set out to show the total quantities of lands which would be required for various purposes. We could have then understood the necessity for this Bill, or their sincerity of purpose and there would not have been any trouble to pass this Bill. But they are absolutely absent and that alone shows what the Ministry is for. They want only to grab the whole of wastelands in Bengal and as soon as the waste lands are under their clutches they will distribute them to whoever they please. One point raised by the Leader of the House was that one of the objects of the Bill was that the Bihar refugees will be given a portion of these lands. (The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: To uneconomic holders of land). Now, so far as other purposes are concerned, there is the existing law of the land which the Ministry can avail themselves of. Only the existing law will not help them in re-settling the land with people of their own liking. That is where the existing laws will not help them and that is why they are really taking advantage of this particular bill, this pernicious and black bill as I have called it. That really is the reason and there could be no other reason because the Land Acquisition Act is there; it can certainly help them. It may take a little time but there again they could have made just a little alteration in the way of procedure to suit these purposes and they could have got it in no time. There could have been possibly no objection or exception to an amendment of that description. Sir, having regard to the fact that, as I have said, there is no scheme before us I would request the Hon'ble Minister to give up the Burdwan and Presidency Divisions from this bill. There is a saying which, I hope, is well-known to everybody and which is "The wise men give up one half instead of losing the whole". So this is less than half. Why not give up this half in West Bengal and proceed with your bill so far as the other half is concerned. You may find plain sailing; there will be no trouble whatsoever and all this waste of time, money and energy would have been avoided. You are all men from the East and as wise men of the East I would request you to follow that saying "give up this half and carry on with the other half".

With these words, Sir, I support the amendment before the House.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, the Opposition has put forward arguments which are arguments usually put forward by the vested interests and the Congress is identified, the Congress Opposition as constituted in this House is identified, with those interests. (Mr. LALIT CHANDRA DAS—Question?). There is Mr. Nahar who said that they would obstruct the bill and if they are determined to obstruct they should expect no answer from the Government. But even then I would watch them and if I find that they do not revise their attitude then they may go on speaking here but from the Government side they will get no answer. And I like to give them another chance that if they are really serious about this, and serious about their duties and about their business and if the Opposition is here to perform their duties or in other words to help the Legislature to enact legislation, if they do their job, well, in that case they will get answers from the Government to their observations. (Mr. LALIT CHANDRA DAS. Do you know the fate of the Secondary Education

Bill, that your Ministry foundered on it and there was persistent opposition?) Coming to the point I do say that this is a peoples Ministry (Cries of No, No from the Opposition Benches) and they will legislate for the whole people; they are not going to legislate for any part or party of Bengal; they are going to do good to the people as a whole in the whole of Bengal so long as they have been placed in power by the people of Bengal and this ministry consists of representatives of all section of the population. (Cries of No, No, from the Opposition Benches.)

**Mr. PRESIDENT:** I would request you again not to go into this question.

**The Hon'ble Mr. FAZLUR RAHMAN:** The Opposition characterised this Ministry as a communal Ministry, Muslim in character and that is the reason why I had to reply to that charge.

**Mr. PRESIDENT:** The less you try to reply to these points the better for you and the more you help yourself.

**Mr. LALIT CHANDRA DAS:** On a point of information, Sir. May I ask the Hon'ble Minister whether it is a fact that the Chief Minister of Bengal declared on more than one occasion that it is a one-party Ministry and that he would like to change it into an all-party Ministry? Has the honourable Minister the right to contradict his Chief?

**Mr. AMULYADHONE ROY:** What about Mr. Tarak Nath Mukherjee? Is he not a caste Hindu? Or is he a Muslim League member?

**The Hon'ble Mr. FAZLUR RAHMAN:** If the honourable members of the opposition please to confine themselves to the points at issue and if the Hon'ble President confines the debate to the points at issue, then no one will be more happy than myself.

**Mr. BIJOY SINGH NAHAR:** Is this a reflection on the chair?

**The Hon'ble Mr. FAZLUR RAHMAN:** No, certainly not.

**Mr. BIJOY SINGH NAHAR:** Clearly it looks like that.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, in my opening speech I had stated what amount of land was immediately required and what was the scheme, and with whom it was intended to settle the lands—all these are in detail in that speech. I believe the opposition has not cared to give any attention to these things and that is the reason why it is putting up all its arguments on this line. Their position is not sincere and that is the reason why they are putting forward all these arguments at random. I oppose the amendment, Sir.

**Mr. PRESIDENT:** The question before the House is that in sub-clause (2) of clause 1 of the Bill, after the word "except" in line 1, the following be inserted, namely:—

"Burdwan and Presidency Divisions, and".

The motion was put and a division taken with the following result:—

**AYES—9.**

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|---|---|
| Mr. Lalit Chandra Das | Mr. Biren Roy |
| Mr. Bankim Chandra Datta | Mr. Biswanath Roy |
| Rai Bahadur Brojendra Mohan Maitra | Mr. Patiram Roy |
| Mr. Bijoy Singh Nahar | Mr. Charu Chandra Sanyal |
| Rai Bahadur Jogendra Nath Ray | |

**NOES—21.**

| | |
|---|---|
| Mr. Abdulla-al-Mahmud | Mr. Reajuddin Bhuiya |
| Mr. Nur Ahmed | Mr. Moazzem Hossain Chowdhury |
| Mr. Sadaruddin Ahmed | Mr. Syed Rabbi Chowdhury |
| Rai Bahadur Dhirendra Lal Barua | Mr. D. J. Cohen |

Mr. E. D. Doyne
Mrs. Labanyaprabha Dutta
Mr. A. M. Shahoodul Haque
Mr. G. J. K. Heck
The Hon'ble Mr. Saiyed Muazzemuddin Hosain
Mr. Latafat Hossain
Mr. Mobarak Ali Khan
Mr. Syed Abdul Majid
The Hon'ble Tarak Nath Mukerjea
Mr. Abdul Rashid
Mr. Amulyadhone Ray
Khan Sahib Mouvi Wahiduzzaman
Haji Md. Yusuf

The Ayes being 9 and the Noes 21 the motion was lost.

**Mr. BIJOY SINGH NAHAR:** I beg to move that in sub-clause (*2*) of clause 1 of the Bill the following be added at the end, namely:—

"and also residential area of the villages".

Sir, with the addition of this sentence the sub-clause will read as follows:—"It extends to the whole of Bengal except Calcutta as defined in clause (*11*) of section 3 of the Calcutta Municipal Act, 1932, and any area constituted a municipality under the provisions of the Bengal Municipal Act, 1932, and also residential area of the villages". Sir, the object of the Bill is to take away these lands for afforestation or the carrying out of irrigation or drainage schemes, or the provision of sites for the setting up of model villages, or the settlement of land with any person or persons in order to provide them with a means of livelihood if they are without such a means of livelihood as a result of discharge from military service, the operation of natural causes or circumstances, such as disturbances of the public tranquillity, over which they have no control, etc., etc. In sub-section (2) of clause 1 it says that the Bill extends to the whole of Bengal except Calcutta as defined in clause (*11*) of section 3 of the Calcutta Municipal Act, 1923, and any area constituted a municipality under the provisions of the Bengal Municipal Act, 1932. Sir, I would like to add that this Bill should not apply to those areas of the villages where there are residential houses or residential areas. In villages there are poor people who keep open some of their homestead lands for certain purposes or for building houses afterwards. If those vacant lands are taken that will create great hardships to the people of the villages. The Hon'ble Minister says that he is championing the causes of the poor and accuses us of representing the case of the landlords and vested interests. But this amendment of mine really helps the poor people. Sometimes there are some vacant lands in a village where the children of the poor people play or there are some grazing land for the cattle. If by chance it enters the head of the collector or any person who is appointed by Government that these lands should not be kept open but should be turned into forests or get them settled with the ex-military men that will create great hardships to the people of the villages. At the same time it might be said that the prices of the residential lands are much more higher than the price fixed as price of these waste lands.

There is another point. If the Government settle some such lands with a poor man who is almost a beggar and has no means of livelihood then he would certainly require money to build houses. In that event Government will have to prepare a scheme and provide enough money to people whom such lands are given to enable them to build houses to live in. Even if they get lands to cultivate the poor people would require money to buy implements without which they cannot cultivate the lands. So an altogether different scheme will have to be worked out by Government. To start a model village, the Hon'ble Minister will also require lands for residential purposes. Therefore I would urge upon the Hon'ble Minister not to give effect to this Bill in the residential areas of the villages. He should seriously consider this point. There are many villages which are growing up; there are many villages where there is no municipality as they have not yet grown up into towns. The waste lands of these areas and these places should never be disturbed, and they should not be subjected to the operation of these clauses, I do not mind if those lands are in West Bengal or in East Bengal or anywhere else in Bengal. Those lands should never be touched, should never be disturbed; it is for the benefit of the poor class. It is for

the benefit of the residential people, people residing in those places and will really help them. I can cite another instance how the operation this Bill can take place. If a Collector of a district does not see eye to e with certain persons of that district or a group of persons and beco jealous of them or wants to trouble them, he can, out of his own acco take away the land or give notice of acquiring their valuable plot of la which has been kept as a grazing ground or a football ground or as a sch or some other purpose. He at his sweet will and pleasure can create trou and take away the land for practically no purpose and practically with any compensation worth the name and if you do not want to do these thi and if you do not feel that such things should happen I would urge t acceptance of this amendment of mine by the Hon'ble Minister.

**Mr. PRESIDENT:** Amendment moved that in sub-clause (2) of cla 1 of the Bill, the following be added at the end, namely:—

"and also residential area of the villages".

**Mr. LALIT CHANDRA DAS:** Mr. President, Sir, I support the ame ment that has been moved by my friend Mr. Bijoy Singh Nahar. In t definition of waste land as given in this Bill certain lands have been l out, I mean have been exempted from the operation of the provisions this Bengal Acquisition of Waste Land Bill, 1947. I may here draw t attention of the Hon'ble Minister to one of the exceptions given under t definition of "waste land" given in sub-clause (2) (iv) of clause 2 of t Bill. It has been mentioned there "any land used for homestead purpo together with any garden appertaining to a homestead". That has been e empted but I desire to point out that what has been really wanted by t amendment is something different from that which has been exempted. M Nahar wanted that the residential area of the villages should be exempt This is, Sir, something over and above any land used for homestead purpo together with any garden appertaining to a homestead. Suppose for i tance a certain high land within a village surrounded on all the four si by poor people is lying vacant—may be according to the Hon'ble Minis waste—and that is being used as a playground, what would happen to th Will this Bill be brought into operation for the purpose of acquiring t land? Now, Sir, clearly enough unless this is excluded by an express pro sion of the law this may fall within the mischief of the law. So if t words "and also residential area of the villages" be added at the end sub-clause (2), it may very well be claimed by the villagers and though t may be lying vacant at the present time being used as a playground may subsequently be used by the villagers for the purpose of extension their homestead for the purpose of residence. It is necessary therefore protect the interests of the villagers in this regard and such lands sho be exempted. I support the amendment of my friend Mr. Bijoy Sin Nahar.

**Mr. BANKIM CHANDRA DATTA:** I beg to support the amendme I think this is a very humble amendment and I do not think Governme would lose anything if they simply exclude from the operation of the B only a very insignificant portion of waste lands because these areas whi are to be meant for residential areas in villages could not evidently very big and therefore I think Government will be well advised in acce ing this very humbler amendment. These open spaces by the side of t houses of these poor villagers as I think is known to you, too, Sir, are us and utilised by the poor peasants for various purposes and I do not why these lands, the area of which would not be very big, should be tak away from these peasants. And these lands, as my friend has pointed o are often for grazing lands for the oxen and sometimes also for playgroun and for other similar purposes. These lands are really what one m describe as parks in the villages. And one thing which strikes me is thi supposing certain villagers in a particular place wants to have a sch or a pathsala, or a market place nearabout their holdings, where they w

find a place for this purpose? Because there is this Bill which can entitle the Collector to take any such land if he pleases. Where then is the protection so far as these poor peasants are concerned? I would therefore request the Hon'ble Minister in charge not to cast his eye on these very humble plots of land, the area of which would not be very much and exclude them from the operation of the Bill. With these words I support the amendment.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I do not understand how the opposition could bring in an amendment like this, because the Land Acquisition Act is there, and it is not as if all the lands in Bengal are going to be acquired under this Bill. It is only an enabling Bill for acquiring wastelands for certain specified purposes. When the Government have decided to acquire such lands they will have to prepare plans and those plans will be made known to the public and they will know the details and Government will have to justify the case to the investors of money in those lands so as to make them suitable for the various purposes for which Government are really acquiring those lands. (Mr. LALIT CHANDRA DAS: Yes, at rupees ten per acre!) Yes, rupees ten per acre for a piece of land which has been lying waste for 30 years. (Mr. BIJOY SINGH NAHAR: Why 30 years, is it not only since the 31st January 1947?) That is, Sir, about the definition of waste land but this is about compensation, namely, in the case where the land was recorded as waste land in the record-of-rights prepared during the first District Survey and Settlement Operations, etc., and which does not yield any income; in that case only the compensation will be ten rupees. If the opposition members will only care to read the Bill they will find this thing there. Only this will give compensation of Rs. 10 per acre.

**Mr. BIJOY SINGH NAHAR:** Sir, may I intervene for a minute. This is not in the definition of the waste land—the definition of waste lands as stated in the definition is—waste land means any land which has been lying uncultivated since before the 31st day of January, 1947.

**The Hon'ble Mr. FAZLUR RAHMAN:** The honourable member should refer to the compensation clause. Under the definition there is no mention of compensation. Under the clause where compensation is mentioned, there it is mentioned. Sir, I am happy that Mr. Nahar has exposed the Opposition. Without understanding they are interfering with the passage of this Bill. With these words I oppose the amendment.

**Mr. LALIT CHANDRA DAS:** Do you know that any company will be willing to take these lands at a much higher price—do you know that?

**Mr. PRESIDENT:** Order, order. The question before the House is that in sub-clause (2) of clause 1 of the Bill, the following be added at the end, namely:—

"and also residential area of the villages".

The motion was put and a division taken with the following result:—

**AYES—12.**

| | |
|---|---|
| Mr. Lalit Chandra Das | Mr. Bijoy Singh Nahar |
| Mr. Bankim Chandra Datta | Rai Bahadur Jogendra Nath Roy |
| Mr. E. D. Doyne | Mr. Biren Roy |
| Mr. G. J. K. Hbok | Mr. Biswanath Roy |
| Rai Bahadur Brojendra Mohan Maitra | Mr. Patiram Roy |
| Mr. Alexander McLaren | Mr. Charu Chandra Sanyal |

**NOES—18.**

| | |
|---|---|
| Mr. Abdulla-al-Mahmud | Khan Bahadur A. M. Shahoodul Hoque |
| Mr. Nur Ahmed | Mr. Latafat Hossain |
| Mr. Sadaruddin Ahmed | Mr. Mobarak Ali Khan |
| Mr. Syed Badruddujà | Mr. Syed Abdul Majid |
| Rai Bahadur Dhirendra Lal Barua | The Hon'ble Mr. Tarak Nath Mukerjea |
| Mr. Reajuddin Bhuiya | Mr. Abdul Rashid |
| Mr. Meazzem Hossain Chowdhury | Mr. Amulyadhone Roy |
| Mr. Syed Fazle Rabbi Chowdhury | Khan Sahib Moulvi Wahiduzzaman |
| Mr. D. J. Cohen | Haji Md. Yusuf |

Ayes being 12 Noes being 18 the motion was lost.

**Mr. PRESIDENT:** Yes, Mr. Das. Before you move this amendme I may tell you that your arguments should be confined to the Rajsha Division because the arguments regarding the Presidency Division and t Burdwan Division have been almost exhausted, in connection with anoth amendment.

**Mr. LALIT CHANDRA DAS:** Yes, Sir. I beg to move that in su clause (2) of clause 1 of the Bill, the following be added at the en namely:—

"and except the Presidency Division, the Burdwan Division and t Rajshahi Division".

Sir, if this amendment is accepted then the clause would read thus It extends to the whole of Bengal except Calcutta as defined in clause (1 of section 3 of the Calcutta Municipal Act 1923, and any area constitut a municipality under the provisions of the Bengal Municipal Act, 1932, a except the Presidency Division, the Burdwan Division and the Rajsha Division".

Now, Sir, what remains? The two other division remain, namely, t Chittagong Division and the Dacca Division over which this Act will ha operation. My arguments in respect of this are these.

I find that the Hon'ble Minister is not listening. Until he listens prefer to stop. The Hon'ble Minister is not listening and therefore I mu stop.

**Mr. PRESIDENT:** The Hon'ble Minister should be in his seat.

**Mr. LALIT CHANDRA DAS:** If this amendment of mine is accepte then, Sir, the Act would be applicable only to the two remaining Divisio of the Presidency of Bengal, the two being the Chittagong Division a the Dacca Division. I think, Sir, the Hon'ble Minister should be satifi with the acquisition of the so-called waste lands in those two divisio giving up his claim to the acquisition of such lands in the Presidency Div sion, the Burdwan Division and the Rajshahi Division. My reason is thi Sir, that he should first of all prove his bona fides before we can perm him to take greater power to acquire lakhs and lakhs of acres of la throughout the province. Sir, the Hon'ble Minister said that he has g schemes. He may put his plans (the details of which are not known to u and schemes into effect in those two divisions, namely the Chittagon Division and the Dacca Division. The Hon'ble Minister said that he me tioned them at the time of the opening of his case for this Bill. We don remember. We will be very attentive and we will listen with interest wh plans he has got and what are the details of those plans and schemes wit respect to these two Divisions, not the other three. Let him produce tho plans now and here and impress the House. Sir, to a question of mi the answer has been given by Government that the quantity of waste lan is over 30 lakhs of acres of land. There are several acres of land, Si lying waste in the Chittagong Division and the Dacca Division and if thos lands be taken up by the Government to start with, the hands of the Govern nent will be full. I say therefore Sir, let the Government instead of swea ing that they will do this and that prove their *bona fides* by executin certain plans in these two divisions. As soon as the Government proves tha t is efficient, that it is active, that it is executing good plans, certainly the will establish their right to claim the confidence of the representatives o the people of the Rajshahi Division and of the other two Divisions. W know of no such plans and the steps they are going to take to put thos plans into operation. Let the Hon'ble Minister in reply reveal what thos plans are, what are their details with respect to the Dacca Division and th Chittagong Division only, and let them put those plans into effect by acqui ng the waste lands of these two Divisions only. Then Sir, there is anothe aspect of the question. A great tussle is going on with a neighbourin Government, but such a tussle should not be allowed to go on. The Beng

Government is saying that the Bengal immigrants should be allowed to settle in Assam, and the Assam Government is stoutly resisting this claim of the Bengal Government. I say to the Hon'ble Minister in charge of this Bill that instead of quarrelling with a neighbouring Government as regards the powers which that neighbouring Government have got to deal with their lands in any way they please, this Government should first of all see whether they can make room for the Bengal immigrants in Assam in their own divisions, and within the boundaries of its own jurisdiction. These immigrants are immigrants mostly from Mymensingh, Tippera and from neighbouring districts lying close to Assam. They will be only too happy if they are allowed to settle in their own province instead of having to go over to a province (amidst bickerings) which is not their own, and where they do not get what they really want. This will afford the Hon'ble Minister an opportunity to solve at least one vexed question, namely, the question of Bengal immigrants to Assam, to have them withdrawn from Assam and to settle them peacefully in their own districts by acquiring these wastelands. But instead of doing that they have taken up the easiest way, namely, of quarrelling with a neighbouring province, ostensibly with the object of settling them in the grazing grounds of Assam, but really with a view to Pakistanising that province. I will not dilate on this point further, but only this I will say that if this Ministry wants to give a proof of their *bona fides* it can do so now by acquiring these wastelands for the Bengal immigrants in these two divisions, without sending them to Assam.

Sir, there is another argument which I have got to place before the House in this connection. My third point is that Government should in such matters take the opinion of the people, I mean, in the matter of acquisition of these wastelands.

**Mr. PRESIDENT:** What is it you say, Mr. Das?

**Mr. LALIT CHANDRA DAS:** I am saying that in this matter of acquiring lands, or indeed in any matter of legislation, Government should be guided by public opinion.

**Mr. PRESIDENT:** But that point does not arise now.

**Mr. LALIT CHANDRA DAS:** I will just show how it arises, Sir. My friend says that he represents the people and is legislating for the benefit of the people, the masses. So far as these two divisions are concerned I say that this communal Government does certainly represent the vast majority of the people there and can acquire lands in those two divisions at any price——

**Mr. PRESIDENT:** May I just advise you, Mr. Das, not to bring forward these arguments in support of the motion? You should rather try to support the motion on its own merits. Don't indulge again in general politics. The moment you do so you provoke questions on the other side and the bill will be delayed for nothing.

**Mr. ABDULLA-AL-MAHMUD:** Sir, is there after all anything in the speeches of the Opposition except bitter communal feelings?

**Mr. LALIT CHANDRA DAS:** I am constrained to observe that the Opposition has taken the view that it is a political Bill, that it is not a Bill meant for to nationalise waste lands but only to communalise all wastelands. If, as a matter of fact, we have taken that view, is it not natural that, in placing our point before you, we will be liable to stray into the forbidden land of politics? In this matter, as we have taken the view that the Government do not actually require so much land but that their intention is otherwise, therefore I am pointing out——

**Mr. PRESIDENT:** When we are discussing the general principles of a Bill in that case you would be relevant in mentioning all these things but when the House is discussing a specific amendment to the clauses of

a Bill, you should try to confine yourself to the amendment itself and if you have to advance any argument of a general nature that also must be strictly relevant to the amendment before the House.

**Mr. LALIT CHANDRA DAS:** I am referring, Sir, to a specific matter in this case——

**Mr. PRESIDENT:** Please go on with your amendment.

**Mr. LALIT CHANDRA DAS:** Sir, I have given two points and this is my last point. I am dealing with my last point and I am showing how it is relevant. When we say that certain divisions may be ruled out of this Bill we mean that in certain other divisions where they can exercise that right of acquisition without trouble and interference, namely Chittagong and Dacca Divisions, where there will be no chance of any disturbance for the future, because undoubtedly there is majority there in favour of the Government they can exercise their right without any sort of *golmal* and acquire lands as best as they can. But so far as the other divisions are concerned, namely the Presidency and Burdwan Divisions, there the Hindu are in overwhelming majority and there they will have to work against the wishes of 70 per cent. of the population if not more, of the West Bengal people, and it would be very difficult to effect the acquisition in this part whereas in the Chittagong and Dacca Divisions where they have undoubted majority they can easily put into operation their wasteland acquisition scheme and do whatever they like. With these words I commend my motion for the acceptance of the House.

**Mr. PRESIDENT:** Amendment to moved that in sub-clause (*2*) of clause (*1*) of the Bill, the following be added to the end, namely:—

"and except the Presidency Division, the Burdwan Division and the Rajshahi Division".

**Rai Bahadur BROJENDRA MOHAN MAITRA:** Sir, the amendment also stands in my name. I am not going to repeat the arguments advanced by my friend Mr. Lalit Chandra Das. But I will only confine myself to the Rajshahi Division because I come from the Rajshahi Division. The population of Jalpaiguri and Darjeeling districts are overwhelmingly non-Muslim. Besides these two districts are know as tea growing districts and the value of the land here is much more than what has been proposed to be given in the Bill. Therefore if lands are acquired in these two districts it will affect the tea industry and——

**Mr. PRESIDENT:** Rai Bahadur I find it very difficult to follow you, better come to the microphone.

**Rai Bahadur BROJENDRA NATH MAITRA:** All right, Sir. Government wants to take away these lands at the rate of Rs. 10 per acre but the lands in Jalpaiguri district is much more valuable because the people grow tea in those lands and it is much more profitable. If then Government take away these lands at this rate the people will suffer a heavy loss. Therefore, I think, the Rajshahi Division should be kept out of the purview of this Bill. You know, Sir, Nator sub-Division of the Rajshahi District is full of Bills. Some years ago, the District Board of Rajshahi gave some money to Government for drainage in order to improve the area but Government returned the money. Thus the Government did not allow the people to develop the area. The Government should allow the people to deveolp these waste lands without taking away them.

With these words, Sir, I support the amendment.

**Mr. ABDUL RASHID:** Sir, the question be now put.

**Mr. PRESIDENT:** I am sorry I cannot accept it. The Hon'ble Minister must be given some time to reply and there are some members who want to speak on this motion. Yes, Mr. Sanyal.

**Mr. CHARU CHANDRA SANYAL:** Sir, I come from the Rajshahi Division and I wish to speak on this motion. In supporting this motion some stray references may be made by me to the Burdwan and Presidency Divisions just to connect the points and I hope you will excuse me for doing so. I may read from a report which has been published elsewhere it has been said that Burdwan Division contains nearly 8 lakhs acres of waste lands and Presidency about 11 lakhs acres. If I am wrong I hope the Hon'ble Minister will correct me. In reply to a question in the Bengal Legislative Assembly on the 22nd March 1947 the Hon'ble Mr. Abdur Rahman said——

**Mr. PRESIDENT:** Mr. Sanyal, what you are reading from?

**Mr. CHARU CHANDRA SANYAL:** I am reading from the proceedings of the Bengal Legislative Assembly.

**Mr. PRESIDENT:** That you cannot do. You cannot refer to the proceedings of the other House.

**Mr. CHARU CHANDRA SANRAL:** I am only giving the figures.

**Mr. PRESIDENT:** You can use those figures but you cannot refer to it.

**Mr. CHARU CHANDRA SANYAL:** All right, Sir. Now, it has been stated that in the Burdwan Division there are about 28,000 Bihar refugees and in the Presidency Division there are about 46,000. Of course, there has been much discussion about the Bihari refugees over this question. There has been a lot of discussion on this point and I do not like to go further into the matter. My point is only this. The Minister in charge while introducing this Bill referred to many plots of lands of thousand acres in a ring form and I like to know from him how many such plots there are in these three Divisions and he just now referred to his plans and estimates also which he said he placed before the Select Committee. We want to know the details. We want to know the details of the cost and the plans he placed before the Select Committee so that we may be in a position to think over and to read over his plans so that the passage of the Bill may be more simplified and we want to know from him how the Government propose to make them fit for cultivation and if they are required for afforestation purposes what are the fuel or timber plants they are going to put in. These are the broad details we want to have from the Hon'ble Minister so that we would be in a better position to think over and to talk over the various amendments of the Bill so that the passage of the Bill may take much less time. And secondly about the acquisition of lands in the Presidency and Burdwan Divisions——

**Mr. PRESIDENT:** You need not refer to that now because the discussion should be confined to the amendment proposing exclusion of the Rajshahi Division.

**Mr. CHARU CHANDRA SANYAL:** I shall not repeat the arguments advanced in favour of the exclusion of the Presidency and Burdwan Divisions from the purview of this Bill but to illustrate my point in connection with this amendment I shall just take as an example the district of Nadia in the Presidency Division. In the district of Nadia nearly 1,000 acres of lands, cultivable waste lands, were acquired by Government apparently for Government purposes at a cost of nearly Rs. 54,000. And what justification is there to secure such lands at 10 to 15 rupees per acre now? That is my point and for the information of the members of this House I can say that waste land in Mymensingh is about 3½ lakhs of acres and it is quite strange that a lot of people from Mymensingh had to go to Assam to find land for cultivation purposes and given three acres per head of population one lakh of persons could be accommodated in the Mymensingh area alone where the waste land covers 3½ lakhs of acres. Even taking the

case of the Bihar refugees, as far as their number goes, their number is less than one lakh and so the entire Bihar refugees——

**Khan Sahib Md. WAHIDUZZAMAN:** On a point of order, Sir. Do Bihar refugees form part either of the Bill or of the amendment before the House.

**Mr. PRESIDENT:** Please leave out Bihar refugees and you will be in order, Mr. Sanyal.

**Mr. CHARU CHANDRA SANYAL:** One lakh of persons can be accommodated in Mymensingh and they can be employed on cultivation of land. From whichever area the people come they can be placed in Mymensingh. Similarly in Faridpur there are about 1½ lakhs of acres of waste land and in Chittagong another 1½ lakhs acres of land. Faridpur and Chittagong alone can accommodate one lakh persons. So in Chittagong, Faridpur and Mymensingh alone two lakhs of cultivators can be accommodated. Under the circumstances I hope that the Government would agree to leave out Presidency Division, Burdwan Division and Rajshahi Division and confine their experiments to the districts of Mymensingh, Faridpur and Chittagong andh accept our amendment.

**The Hon'ble Mr. FAZLUR RAHMAN:** I oppose the amendment, Sir.

**Mr. PRESIDENT:** The question before the House is that in Sub-clause (2) of clause 1 of the Bill, the following be added at the end, namely:—

"and except the Presidency Division, the Burdwan Division and the Rajshahi Division."

The motion was put and a Division taken with the following result:—

**AYES—10.**

Mr. Lalit Chandra Das
Mr. Bankim Chandra Datta
Rai Bahadur Brojendra Mohan Maitra
Mr. Bijoy Singh Nahar
Rai Bahadur Jogendra Nath Ray
Mr. Biren Roy
Mr. Biswanath Roy
Mr. Patiram Roy
Mr. Birendra Kishore Roy Chowdhury
Mr. Charu Chandra Sanyal

**NOES—22.**

Mr. Abdulla-al-Mahmud
Mr. Nur Ahmed
Mr. Sadaruddin Ahmed
Rai Bahadur Dhirendra Lal Barua
Mr. Reajuddin Bhuiya
Mr. Moazzem Hossain Chaudhury
Mr. Hamidul Huq Chowdhury
Mr. Syed Fazle Rabbi Chaudhury
Mr. Yusuf Ali Chowdhury
Mr. D. J. Cohen
Mr. E. D. Doyne
Khan Bahadur A. M. Shahoodul Hoque
Mr. G. J. K. Hook
The Hon'ble Mr. Saiyed Muazzamuddin Hosain
Mr. Latafat Hossain
Mr. Mobarak Ali Khan
Mr. Syed Abdul Majid
Mr. Alexander McLaren
Mr. Abdul Rashid
Mr. Amulyadhone Roy
Miss Ethel Robertson
Khan Sahib Moulvi Wahiduzzaman

Ayes being 10 and the Noes 22 the motion was lost.

**Mr. PRESIDENT:** The House stands adjourned till 1-30 p.m. tomorrow.

## Adjournment.

The Council then adjourned till 1-30 p.m. on Wednesday, the 7th May, 1947

**Members absent.**

The following members were absent from the meeting held on the 6th May, 1947:—

(1) Mr. Sultanuddin Ahmed.
(2) Mr. L. P. S. Bourne.
(3) Khan Bahadur Syed Abdur Rashid Chowdhury.
(4) Mr. Abdul Hamid Chowdhury.
(5) Mr. C. E. Clarke.
(6) Khan Bahadur Shaikh Fuzal Ellahi.
(7) The Hon'ble Mr. Abdul Gofran.
(8) Mr. Mungturam Jaipuria.
(9) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(10) Mr. Satish Chandra Jana.
(11) Mr Humayun Z. A. Kabir.
(12) Mr. Abdul Latiff.
(13) Mr. Nagendra Nath Moholanabish.
(14) Mr. George Morgan, C.I.E.
(15) Khan Bahadur Ghyasuddin Pathan.
(16) Dr. Kumud Sankar Ray.
(17) Dr. Kasiruddin Talukdar.
(18) Mr. Md. Taufiq.
(19) Khan Bahadur Abdul Latif Chowdhury.

WBGP-48/9-1063A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session, 1947—No. 40.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, 7th May, 1947, at 1-30 p.m., being the 40th day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTIONS AND ANSWERS

### Activities of the Factory Inspectorate.

**123. Mr. SATISH CHANDRA SEN:** (*a*) Will the Hon'ble Minister in charge of the Department of Commerce, Labour and Industries be pleased to state the number of registered factories in Bengal in 1946-47?

(*b*) In how many such factories have annual holidays as provided under section 49B of the Factories Act (India Act XXV of 1934) been granted?

(*c*) Did the Inspectorate of Factories make any enquiry and keep any record regarding the leave rules for the workers existing in each of such factories previous to the insertion of Chapter IVA, Factories Act, by Factories Act, 1945 (India Act III of 1945)?

(*d*) In how many factories the previous leave rules were more favourable to the workers than those provided under section 49B of the Factories Act?

(*e*) Are the employers entitled to offset the paid festival holidays which they used to grant to their workers against these annual holidays? Did the Central Government issue an instruction to this Government on this matter? If so, will the Hon'ble Minister please place the same on the Table?

(*f*) Did the Inspectorate of Factories institute any enquiry whether the employers are complying with the said provisions as indicated by the Central Government?

(*g*) Is it not a fact that complaints were made to the Chief Inspector of Factories that some of the employers in Motor Industries have not carried out the said provisions? If so, what action was taken in the matter?

**MINISTER in charge of the DEPARTMENT of COMMERCE, LABOUR and INDUSTRIES (the Hon'ble Mr. Shamsuddin Ahmed):** (*a*) The number of registered factories on the 31st of December, 1946, was 2,179.

(*b*) Figures for the year 1946 are not as yet available. Such information will be obtainable from the annual returns for that year when received.

(*c*) An attempt was made by the Factories Directorate during 1945 to ascertain which of the more important factories had holidays with pay schemes in existence.

(*d*) The number of factories whose leave rules have been considered as providing benefits either substantially similar to or more favourable than those for which Chapter IVA makes provision and in respect of which exemption under section 49G has been granted is 12.

(*e*) Employers are entitled to offset any paid festival holidays against the annual statutory holiday period provided such festival holidays happen to come within that period. Moreover there is nothing in the Act to prevent an employer from saying that he will not, in future, allow festival holidays and if he breaks any contract in acting accordingly, he will simply be liable to the ordinary penalties for breach of contract and to such reprisals as the organisation of workers may enable them to make. The Central Government has issued instructions to the Provincial Government in this matter. A copy of the relevant portion of the Government of India Department of Labour, letter containing the instructions is placed on the Table.

(*f*) No general enquiry has been instituted but enquiries have been made in regard to specific cases when complaints have been received.

(*g*) Complaints have been received by the Chief Inspector of Factories regarding certain employers in the Motor Industries respecting non-adherence to the provisions and the complaints are still under investigation with the establishment concerned.

*Statement referred to in reply to clause (e) of question No. 123.*

The question whether the worker is entitled to a holiday for the purposes of sub-section (*2*) of section 49A of the Factories Act has to be answered in the light of circumstances in each case. Although the workers have no statutory right to holidays on festival occasions, it may be assumed that such holidays are normally enjoyed under a contract of service, express or implied. Their enjoyment in fact represents "a usage so general and well understood in fact, with reference to the business, place and class of persons, that the parties are presumed to have made their contract with tacit reference to it and to have intended to be governed by it in the same way and to the same extent as other like persons in like cases" (Pollock on Contracts, 11th edition, page 206). It may, therefore, be assumed that festival holidays are holidays to which a worker is somehow entitled within the meaning of sub-section (*2*) of section 49A. It is characteristic of a festival holiday that it falls due at a certain time of the year (may be varied from year to year) and if the worker is entitled to enjoy it at all he is entitled to enjoy it at or about that time. For example, his right to enjoy a holiday at *Dusshera* is not simply a right to one day's holiday but a right to one day's holiday on a certain date. If, therefore, a worker were entitled to one festival holiday in one month, three in the second, two in the third, and four in the fourth month, his enjoyment of 10 days consecutive holidays as required by the Act in any other month would not deprive him of the right to his festival holidays when they fall due; for, if it did, the provisions of Chapter IVA would be operating to the prejudice of his other rights, which is forbidden by sub-section (*2*) of section 49A. If, on the other hand, the period of his consecutive holidays for 10 days included one or more festival holidays to which he would have been entitled in any case, there would be no prejudice to his rights if he got no other holidays instead of the festival holidays, for he would still enjoy a festival holiday, even though it formed part of and was absorbed in his statutory holidays under Chapter IVA. So far as the number and timing of the holidays is concerned, the effect of sub-section (*2*) of section 49A is that a worker should not, by reason of getting consecutive holidays at one time of the year, be deprived of the holidays which he had a right to enjoy at any other time of the year. If the worker has right to so many holidays in a year but not at a particular time or if he had a right to a holiday on a date falling within his consecutive holidays, his statutory consecutive holidays may be set off against and include these holidays. Thus the whole or part of the consecutive holidays may sometimes be an addition to other holidays to which the worker is entitled and may sometimes be in substitution for, or absorb, such other

holidays as fall due within the period of the consecutive holiday, or do not fall due on any particular date. There is, however, nothing in the Act to prevent an employer from saying that he will not, in future, allow festival holidays, and if he breaks any contract in acting accordingly, he will simply be liable to the ordinary penalties for breach of contract, and to such reprisals as the organisation of workers may enable them to make.

Sub-section (2) of section 49A does not appear to preserve for all time holidays to which workers were entitled when Act III of 1945 came into force; it should be read as if the words "for the time being" were inserted after the word "may".

**Mr. SATISH CHANDRA SEN:** Will the Hon'ble Minister please say why though one year has elapsed after the passing of this Act no enquiries have been made yet or any general investigation has been made on the question of non-granting of leave? Have any enquiries been made?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** I am sorry, I ask for notice.

**Mr. SATISH CHANDRA SEN:** Was any prosecution made under this Act by the Factory Inspector against any recalcitrant factory?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** Not within my cognisance. I would rather ask for notice.

### Institution of proceedings under section 49E of the Factories Act.

**124. Mr. SATISH CHANDRA SEN:** (a) Will the Hon'ble Minister in charge of the Department of Commerce, Labour and Industries be pleased to state whether the Government have laid down any rules for the institution of the proceedings contemplated under section 49E of the Factories Act and the forum in which such proceedings should be instituted? If so, will he please state the same?

(b) Did the Department of Inspector of Factories institute any proceedings against any employer under section 49E of the Factories Act? If so, will he please state the names of such employers?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** (a) No rules have been framed by Government as yet as regards the procedure for the institution of proceedings contemplated under section 49E of the Factories (Amendment) Act, 1945. Rules will be framed shortly. The authority under the Payment of Wages Act will be the forum for such proceedings.

(b) No.

**Mr. SATISH CHANDRA SEN:** Will the Hon'ble Minister say when he will be in a position to lay down the procedure for institution of cases and prosecution?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** In 2 to 3 months everything will be ready; rules would have been framed and in the printed answer I have already said that the authority under the Payment of Wages Act will be the forum for such proceedings.

**Mr. PRESIDENT:** Questions over.

## POINT OF INFORMATION.

### Lawlessness at Bhola and Kurigram.

**The Hon'ble Mr. MOHAMMED ALI:** Mr. President, Sir, I promised to make some statements regarding the allegation that there was lawlessness in the Bhola subdivision of the district of Bakarganj and regarding some alleged defilement of images or temples in the subdivision of Kurigram in

the district of Rangpur. So far as the Bhola affair is concerned Government have no information about lawlessness prevalent there. Everything appears to be normal now. As regards Kurigram 12 cases were reported to the District Magistrate alleging defilement of temples that were situated within the police-stations of Kurigram and Ulipur. The first six cases were referred to on the 13th April in a report received from a gentleman of that locality and in his list he also gave facts about three other incidents and this was reported to the Subdivisional Officer, Kurigram, by a letter. Of these three incidents one related to the looting of a Hindu hawker's sweetmeats in the *hat*. This was enquired into by the Officer-in-charge of the police-station and it was found that the cloth of his small shop caught fire from the *biri* of some unknown man when some *hat*-going Hindu and Muslim boys took away the sweets valued at one rupee or two rupees. At that time no information was lodged with the police. It was only in a letter that this incident was reported. The other related to about 50 Bhatia Muslims who came to Jatrapur by boat on their way to Assam. These people were alleged to have forcibly plucked green cocoanuts from some trees belonging to the Hindus in spite of protests. These people came into the *Bandar* and demanded at cost price these cocoanuts. Being afraid of their attitude the Hindu owners agreed to give these cocoanuts at that price. The matter was enquired into by the Circle Officer and the Sub-Deputy Magistrate and in their report they say that those 10 people of Bhatia paid only 4 annas or 8 annas for the cocoanuts they plucked and they also purchased rice worth 5 rupees and odd annas but paid only 5 rupees and did not pay the balance of odd annas. And therefore the local Hindus there became panicky and they admitted that the members of the local majority community have always maintained and are still maintaining cordial relationship with them and that they feared no harm from the local people. This was another incident. The third case related to the forcible taking away of 15 bales of jute from a merchant in Nunkhawa. This was enquired into by the Officer-in-charge of Nageswari police-station and it transpired that this was a case of dacoity and there was nothing communal in the affair apart from simple panic. In two other incidents there was some definite allegation of temple defilement. The temples defiled mostly consisted of the usual sheds measuring 3-4 cubits in size in which the images of Gods after worship are laid and they remain completely uncared for. There has of course been one case of removal of two old Shiva *lingas* of a respectable Hindu family. One of these has already been found in the family tank and it is hoped that the remaining one will also be found There are definite reasons to believe that it is a case of family dispute. In the other cases of alleged defilement the matter was reported to the Subdivisional Officer after three months of the incidents having alleged to have taken place.

In the areas, namely, Ulipur and Kurigram, from where these reports have been received, it is said that there is a certain gentleman, a certain non-Muslim gentleman, who yields considerable influence there, it is his practice to create agitation. In the year 1945 he reported certain facts in the newspapers which were found to be absolutely false by the then District Magistrate after a personal inquiry and the then District Magistrate wanted to prosecute him, but the gentleman disappeared from that area and therefore no prosecution could be launched. So far as the present situation is concerned the District Magistrate's appreciation is that when he visited Kurigram he also went to the local Bar Library and stayed there two hours, but nobody made any complaint. The Subdivisional Officer and other officers also uniformly hold the same view that the communal relations there are satisfactory and cordial. The District Magistrate went through the areas of Kurigram and Ulipur and halted at the police-stations, but no indication of communal tension was visible there and no complaint was made to him. The relationship between the communities seems to be more or less normal and cordial.

So far as the other incidents are concerned which are still under investigation, additional police forces have been posted in the affected areas so as to see that there is no panic and the matter of investigation is being pursued.

**Mr. BIJOY SINGH NAHAR:** What are the affected areas?

**The Hon'ble Mr. MOHAMMED ALI:** Ulipur and Kurigram. All these reports of incidents have come from Ulipur and Kurigram police-stations. There are altogether 12 incidents reported; three of them have come from Kurigram and 9 from Ulipur. I have already replied that some of these incidents have been inquired into and some others are under inquiry and investigation. But it seems to me very likely that most of them have been engineered by the designing brains of certain persons who are creating this agitation for their own ends. This concludes my statement.

**Mr. LALIT CHANDRA DAS:** May I ask the Hon'ble Minister a few questions with regard to his statement?

**Mr. PRESIDENT:** No supplementary questions should be asked. But if you want clarification of any point, you can ask for it.

**Mr. LALIT CHANDRA DAS:** Thank you, Sir. Does the Hon'ble Minister realise that he has practically admitted the happening of the incidents reported? It is no good throwing the blame on agitation or on agitators; but I want to know whether after these incidents had taken place any arrests have so far been made with regard to them?

**The Hon'ble Mr. MOHAMMED ALI:** I have replied that some of these incidents are under investigation but that in respect of the other incidents Government have found that these are a result of family dispute. In one case two Shiva *lingas* were removed from the temple and were found in the family tank, there was a long-standing dispute between the two families with regard to that, and so it is the opinion, after due investigation, that this is a result of a family, a domestic feud and not an occurrence arising out of communal reason or tension. And so far as the other cases are concerned, I have said that after investigation it was found that it was not a question of temple defilement. It was a question of taking away certain things at less than cost price and a Hindu hawker's stall being burnt which made him incur a loss of Rs. 2. But that was brought about by some *mis* and it was not a communal incident and no question of temple defilement was there either. There were specific allegations and two of them have been found to be due to a family trouble and others are still under investigation.

**Mr. LALIT CHANDRA DAS:** Who is the Magistrate?

**The Hon'ble Mr. MOHAMMED ALI:** At present the District Magistrate is Mr. Ishaque.

**Mr. LALIT CHANDRA DAS:** Sir, you will realise that even in case of a family feud it is impossible for a party to take away the Siva *linga* and drop it in the tank. Will you kindly draw the attention of the District Magistrate that even if there is family feud it is impossible to suggest that one party would take away the Siva *linga* and drop it to the tank—that is the last thing they would do.

**The Hon'ble Mr. MOHAMMED ALI:** I think what has been said by Mr. Lalit Chandra Das is generally correct. But in case of a family feud when there is family dispute everything is possible and people can go to the extreme limit, even murder their near and dear ones and it may be possible that one party removed the Siva *linga*—in family feud anything can happen.

**Mr. HARIDAS MAZUMDAR:** Sir, in view of the statement made by the Finance Minister I formally withdraw the adjournment motion regarding Bhola.

**Mr. PRESIDENT:** There is no question of withdrawing your adjournment motion. Your adjournment motion was never admitted.

**Mr. HARIDAS MAZUMDAR:** You said that you would consider it——

**Mr. PRESIDENT:** All right go on.

**Mr. HARIDAS MAZUMDAR:** With regard to Bhola affair has the Hon'ble Minister got any report from the Magistrate?

**The Hon'ble Mr. MOHAMMED ALI:** Yes, as soon as I promised to make a statement I sent a radiogram and got a report that there is nothing unusual——.

**Mr. HARIDAS MAZUMDAR:** There is no lawlessness?

**The Hon'ble Mr. MOHAMMED ALI:** No, there is no lawlessness.

**Mr. HARIDAS MAZUMDAR:** Sir, on a point of another information We have been informed that 300 Punjabi police have been brought here within a week. May we know whether it is correct——

**The Hon'ble Mr. MOHAMMED ALI:** That is, Sir, another question altogether.

**Mr. PRESIDENT:** Mr. Mazumdar, the Hon'ble Minister is prepared to answer a short-notice question if you put it.

**Mr. HARIDAS MAZUMDAR:** All right, Sir. But he can reply to my question now without wasting the time of the House.

**Mr. PRESIDENT:** There is no question of wasting the time of the House. I think it is better to put a short-notice question if you so desire.

**Mr. LALIT CHANDRA DAS:** On a point of information, Sir. I put a question some time ago as to how many questions were put, how many answered and how many remained unanswered. I have been supplied with a note about it. It appears from the list that the number of questions outstanding is 129 which remained unanswered. I should like to be informed whether there is any chance of the Ministers taking special steps to answer as many questions as possible.

**The Hon'ble Mr. FAZLUR RAHMAN:** Government will try to answer as many questions as possible.

**Mr. LALIT CHANDRA DAS:** I may say in this connection that, with a large number of Parliamentary Secretaries appointed now, the Ministers ought to be able to answer questions more expeditiously. As a matter of fact when there were few Parliamentary Secretaries and when there was no Parliamentary Secretary at all the questions used to be answered regularly and in a much speedier time than now. So when there are so many Parliamentary Secretaries there is no reason why so many questions should go over to another session to be answered.

**The Hon'ble Mr. FAZLUR RAHMAN:** My friend Mr. Das should realise that the answering of questions does not depend on the Parliamentary Secretaries or the Ministers alone. The information sought is to be collected and gathered and authoritative information is to be given; and as soon as this information is gathered information is given to the House. Not only that it is the general order that the Legislative business particularly with regard to answering of questions will have to be given preference over all other business, unless of course there is anything emergent.

**Mr. BIJOY SINGH NAHAR:** May I draw your attention, Sir, to the questions that are outstanding concerning the Civil Supplies Department? There are 49 questions outstanding and some are outstanding since 1943, 1944, 1945—so long ago. The Minister-in-charge should try to answer at least some of the questions.

**The Hon'ble Mr. FAZLUR RAHMAN:** It means that the question is of such a nature that it involves certain information to be collected and that requires some time.

**Mr. PRESIDENT:** Yes, but there are questions which have been outstanding for a very long time, for a number of years.

**The Hon'ble Mr. FAZLUR RAHMAN:** All right, Sir. I shall draw the attention of the Hon'ble Minister for Civil Supplies to this fact.

**Mr. LALIT CHANDRA DAS:** Sir, permit me to mention another thing. There are some questions concerning the Chief Minister's Department and some of them are outstanding from 1943. Altogether there are 34 questions and the Chief Minister could have answered them. I understand the Chief Minister has four Parliamentary Secretaries to help him. It cannot be argued that information is being gathered in all the cases. I submit that before these Parliamentary Secretaries, were appointed the questions were being answered more speedily. The Standing Orders are being disregarded by the Government. This is not at all creditable for the Government.

**The Hon'ble Mr. FAZLUR RAHMAN:** As I have already said instructions will be issued to the Departments concerned to expedite the answers to the questions which are long outstanding.

**Mr. PRESIDENT:** We now go back to the Bill, Mr. Sanyal.

## The Bengal Acquisition of Waste Land Bill, 1947.

**Mr. CHARU CHANDRA SANYAL:** Sir, I beg to move that after sub-clause (2) of clause 1 of the Bill, the following sub-clause be added, namely:—

"(3) It shall come into force on such date as may be notified after June, 1949."

Sir, the reason for my moving this amendment is that the Britishers have given the dead line in June, 1948, to quit India and the new Government created will certainly take at least one year to settle down. The operation of this Act is only possible after June, 1949, at the earliest. There may be changes of a far-reaching effect in the meantime. The whole plan of the Bill may be upset and may have to be revised and thus there is no hurry. The Bill even if is passed by the Council in this session will surely be in the Assembly for a long time. The cherished hope of seeing a staging of a walk-out either in the Council or in the Assembly and passing this Bill by fluke will be a myth. Therefore the Bill will not emerge out of the Legislature before 1948 or by the end of 1947. There are more important works involving the life and death which would certainly keep the operation of the Act in the background. My amendment is very simple and very reasonable and it should be accepted by the House.

**Mr. PRESIDENT:** Amendment moved that after sub-clause (2) of clause 1 of the Bill, the following sub-clause be added, namely:—

"(3) It shall come into force on such date as may be notified after June, 1949."

**Rai Bahadur JOGENDRA NATH RAY:** I support this amendment. This Bill seeks to introduce so momentous and far-reaching changes in the rural economy of Bengal that the Government should not hurry the Bill

through the Legislature and proceed with legislative measures like the present one, as partition of Bengal appears now to be an accomplished fact This is a very modest demand "that it shall come into force on such date as may be notified after June, 1949." The passing of this Bill means the thrusting of legacies of a partisan and communal ministry upon a new administration that will come into existence in the western part of the province. Great changes are going to happen in Bengal. Why there should be this eagerness on the part of the Government to acquire lands in West Bengal? Why should they not wait at least till the day the Damodar Valley Project materialises and see how that scheme works. At least up till that day this Bill can wait. The Bill in question, if passed into law, will deal a death blow to the entire middle class of the rural population who invested capital in lands in the hope of getting profits thereof, from generation to generation irrespective of communities. I appeal to the Hon'ble Minister to accept this amendment at least, and save the country and society from many untoward situations. Otherwise political and social repercussions on the province will be so tremendous that it will be very difficult to quell the situation afterwards. The immediate effect of the policy of the communal ministry has already been disastrous for the province. Every action has its inevitable reaction. Our esteemed friend, the Leader of the House, may have a Mid-summer Night's Dream that he will crush "the caste Hindu oligarchy" of West Bengal by this Bill, but his dream will be falsified. As I have already said, if the elementary rights of the people are sought to be taken away, "the caste Hindu oligarchy" of West Bengal will take this and consider this as a challenge and they know how to take that challenge lying down——

**Mr. PRESIDENT:** Order, order, Rai Bahadur, I do not think it is quite relevant to the amendment before the House.

**Rai Bahadur JOGENDRA NATH RAY:** He has already said something and I am replying to that.

**Mr. PRESIDENT:** I would advise you to leave that point out. What the Leader of the House said yesterday was replied to by the Opposition when the Opposition got the chance. Now I do not think your observation is quite relevant to the motion before the House.

**Rai Bahadur JOGENDRA NATH RAY:** Then I shall better sit down.

**Mr. BIJOY SINGH NAHAR:** This is a very nice amendment that has been put by our friend Mr. Charu Chandra Sanyal. We know that this is not the right time to introduce this Bill and even when the Bill is passed into law this is not the time to put it into action. Now the whole of the province is in turmoil. These Bills and hese improvements aimed at therein are only possible when there is absolute peace when one can apply his mind to the improvements. And when the Government really gets help from the local people then and then only improvements of the country can be taken in hand and done. Sir, we know that during the war period, in the period of turmoil there were Ordinances and there was one of the Ordinances, as we know, to grow more food. By this Ordinance the Government could have taken various lands and could have consolidated them for the purpose of cultivation. There was the provision, but the Government did not do anything at that time. Why? Though there was the power with the Government why the Government could not improve the lands or did not go on with their scheme of "Grow More Food" in these parts which our Minister in-charge now claim to be waste land and he has said that waste lands should not be allowed to lie waste any further. The reason is this that during the war period, which was an abnormal period, no mprovement could really be effected, but even if Government wished to pass or actually passed a measure like this at a time when the whole nation was on a different side that is, was thinking of other things, and they cannot therefore apply the

minds to such improvements unless there was peace in the country, it could not be enforced. We know that it is absolutely impossible for Government or for the people to apply their minds to anything for the improvements that have been suggested in the Bill and therefore the period after June 1949 has been rightly suggested in the amendment. We know that the British Government have declared that they are quitting India by June, 1948, but we do not know what the fate of Bengal will be. It may be partitioned or may not be partitioned; it may be pakistanised or may not be pakistanised, or it may remain with the Indian Union. We may claim one thing but may get another. We do not know what is going to happen until a settlement finally comes in. It will not be possible either for this Government or for the people to make any such improvement as has been suggested in the Bill. Therefore, it is most appropriate. (Interruptions.) You know it very well that this side of the House does not agree to its provisions, though it agrees with the principle of the Bill that waste lands should not be allowed to lie waste because it is really waste of the wealth of the nation, but in order to make these waste lands cultivable such a communal Bill should not be allowed to come in in any part of the province or in India or even in any other country for that matter. This Bill has a motive behind it which we suspect and which will prevent the Bill from being worked. You will have to face strong opposition from different parts of this country specially from those parts where you want to introduce this Bill at the very beginning. So we support the amendment that the words should be added, so that no mischief can be done or even if it is tried to do mischief this will not create any further trouble in the minds of the people. Hence this addition should be made in this clause. If after June, 1949, it is at all thought fit to bring this Bill into operation, it may be done then, and not before.

With these words I support the amendment.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I am glad that Mr. Nahar admits that he accepts the principle that no land should be allowed to lie waste, as it will mean a waste of national wealth. That, Sir, is the justification as to why this Bill should be passed into law immediately, and waste lands should not be allowed to lie waste even for a moment, if possible.

Sir, with regard to the question that Bengal may be partitioned or may not be partitioned, that is beside the point. The thing to be chiefly considered is that it is a beneficial law, and that is why we are going to place it on the statute book. If Bengal is going to be divided then the new Government will apply the law if it thinks fit. The new legislature may also amend it or repeal it even. But this does not mean that I am to accept the position at the instance of the opposition that because there is an impending constitutional change all sorts of beneficial legislation should be stopped, for in that case the whole administration will come to a standstill. I cannot accept that position, and therefore I oppose the amendment.

**Mr. PRESIDENT:** The question before the House is that after sub-clause (2) of clause 1 of the Bill, the following sub-clause be added, namely:—

"(3) It shall come into force on such date as may be notified after June, 1949".

The motion was put and a division taken with the following result:—

**AYES—11.**

| | |
|---|---|
| Mr. Lalit Chandra Das | Mr. Biren Roy |
| Mr. Bankim Chandra Datta | Mr. Biswanath Roy |
| Mr. Kamini Kumar Dutta | Mr. Patiram Roy |
| Rai Bahadur Brojendra Mohan Maitra | Mr. Charu Chandra Sanyal |
| Mr. Bijoy Singh Nahar | Mr. Satish Chandra Sen |
| Rai Bahadur Jogendra Nath Ray | |

NOES—24.

Mr. Abdulla-al-Mahmud
Mr. Nur Ahmed
Mr. Sadaruddin Ahmed
Mr. Syed Badrudduja
Rai Bahadur Dhirendra Lal Barua
Mr. Moazzem Hossain Chowdhury
Mr. Hamidul Huq Chowdhury
Mr. Syed Fazle Rabbi Chowdhury
Mr. D. J. Cohen
Mrs. Labanyaprobha Dutta
Mr. E. D. Doyne
Mr. A. M. Shahoodul Haque
Mr. G. J. K. Hoek
The Hon'ble Mr. Saiyed Muazzamuddin Hosain
Mr. Latafat Hossain
Mr. Mobarak Ali Khan
Mr. Syed Abdul Majid
The Hon'ble Mr. Tarak Nath Mukerjea
Khan Bahadur Ghyashuddin Pathan
Mr. Abdul Rashid
Mr. Amulyadhone Roy
Mr. Md. Taiduq
Khan Sahib Moulvi Wahiduzzaman
Haji Md. Yusuf

Ayes being 11 and Noes 24, the motion was lost.

**Mr. PRESIDENT:** The question before the House is that clause 1 stand part of the Bill.

**Mr. LALIT CHANDRA DAS:** Sir, I would ask you whether it is possible now to oppose the motion. Can I speak now?

**Mr. PRESIDENT:** You can oppose it by voting.

**Mr. LALIT CHANDRA DAS:** I want to speak. I had amendment to the effect that this clause be deleted. But you ruled that out of order.

**Mr. PRESIDENT:** Yes, that was a negative amendment and so it was out of order.

**Mr. LALIT CHANDRA DAS:** Very well, Sir. I bow to your ruling. But now you are putting the clause finally and I want to speak against the motion that this clause do not form part of the Bill and I shall briefly state my reasons.

**Mr. PRESIDENT:** Mr. Das, our practice in this House has not been very consistent. Sometimes I find that amendments that a clause be deleted have been allowed; sometimes such amendments have not been allowed, but I think that on principle amendments that a clause itself be deleted should not be allowed. That is really the practice. If it relates to the deletion of a sub-clause it is allowed but if it relates to the deletion of the clause itself it is never allowed in the Parliament. As such your amendment No. 1 was out of order. But now as I have put the motion that clause 1 stand part of the Bill you can speak on that.

**Mr. LALIT CHANDRA DAS:** Thank you, Sir. I think, Sir, clause 1 should not form part of the Bill. There is a law already in existence and that is the Land Acquisition Act of 1894. Sir, that Act is applicable to the whole of India That Act still holds the field. Sir, so far as this Bill is concerned, it is neither an amending Bill nor a repealing Bill. This Bill is not amending that Act of 1894 nor does it repeal that Act. So that Act remains in force. That Act remaining in force action could have been taken to acquire lands including waste lands and all other kinds of land under that Act and there is no bar to the authority of the Government taking away the waste lands at proper market value and not for a mere song as you want to do under this Bill as laid down in clause 13. This is one ground why I am pleading that clause 1 of this Bill should be deleted altogether. Then, Sir, there is another reason why this clause should not form part of the Bill. It won't do for the Minister in charge of the Bill ostrich-like to hide his head underneath the sand and refuse to see things around. If he would see things around, he would find that many changes are ahead and very great changes will take place in the course of a month. In the course of a month, Sir, the Hon'ble the Revnue Minister will be in a position to know where he stands and where we stand. In the course of a month we shall surely know whether as a matter of fact he has got jurisdiction at all to frame this law and then to

apply this law. And I say, Sir, there is no very great urgency in the matter and the Hon'ble Minister has not been able to show any reason why the Bill should be hurried through. All that I say is that great changes are ahead and within this very month we shall know where we stand and the Minister-in-charge will be able to see whether he has got any power to legislate over all the waste lands of Bengal particularly of West Bengal. Very great things are ahead. When sweeping changes are ahead, it is but meet and proper that the Hon'ble Minister in charge of the Bill should have patience to wait and not try to force his Bill and extend it to the whole of Bengal. Sir, it is not an urgent matter; it is not a measure that should be pushed through in spite of the opposition of the vast majority of the people affected in West Bengal in spite of the opposition of the non-Muslims of Bengal and therefore I submit that it should not be made applicable at all to Bengal unless things clear up which we hope, will be made clear in the course of a month. In view of the partition of Bengal and two ministries which are likely to come soon they will have no jurisdiction to formulate laws covering the whole of Bengal. With these words, Sir, I move that the clause be deleted.

**Mr. PRESIDENT:** Mr. Das, you canot move that the clause be deleted.

**Mr. LALIT CHANDRA DAS:** All right, Sir. With these words I oppose the insertion of this clause in the Bill.

**Mr. KAMINI KUMAR DUTTA:** Sir, if we look at the Bill one will be inclined to think that apparently its real object is to secure benefits for the people at large. On the principle of the Bill perhaps one would not find any ground to object to, but on a closer scrutiny it will be found that the Government has been ill-advised to launch a Bill of this character which is of great magnitude and potency at this time in the country. It cannot be denied—and we must be frank that the whole thing depends upon the method in which the Bill is worked, is operated. And there is absolutely no doubt about the fact that there is mistrust in the country, people cannot believe in each other, so that whatever may be the avowed object of the Bill when it will be actually put in operation it will not be for the benefit of the people——

**Mr. HAMIDUL HUQ CHOWDHURY:** Sir, is it permissible on this motion to speak on the principle of the Bill?

**Mr. PRESIDENT:** He is speaking on the clause itself.

**Mr. KAMINI KUMAR DUTTA:** There is mistrust at present and I hope and believe that it may be removed, otherwise a doleful history is waiting for the whole province of Bengal. And if there is that mistrust in working out the Bill great mischief will be done, that is seriously apprehended by one section of the people of Bengal. The provisions of the Bill are such that if the machinery which is to work them out were inclined to work mischief on one part of the people it could be easily done. That is why I say that this is not the time when this Bill should be enacted. If some speedy remedy was aimed at it could be very easily provided by a short amending Bill, amending the Land Acquisition Act. But instead of doing so, a very elaborate Bill with elaborate provisions is being tried to be enacted and that too at a time when every action of the present ministry is being looked upon with suspicion which is unfortunate but which is nevertheless a fact. So it is not the proper time when this Bill should at all be converted into an Act and with these observations I would say that the administration, the ministry, would be well-advised not to press the passing of the Bill at the present stage. Even if the Bill be passed in this House it must go to the other House and then machinery has to be set up to work out the Bill and even with the utmost expedition this Bill could not be put into operation within two years and during this period of two years the

whole history of India may be changed! What is the good of enacting a law like that in these circumstances? A law of such magnitude and such importance should not be attempted to be put on the legislative anvil of any country at a critical period in the history of that country. This is, Sir, not the time for such a law, the apparent object of which is the benefit of the common people—

**Mr. PRESIDENT:** May I just interrupt you for a minute? Those observations of yours should be reserved for the third reading. Here we are considering the motion that clause 1 stand part of the Bill. So your observations should be as far as possible relevant to that particular motion

**Mr. HAMIDUL HUQ CHOWDHURY:** If the clause is deleted then whether the Bill is passed or not that is the question.

**Mr. KAMINI KUMAR DUTTA:** I am thankful to my friend for saying that if this clause is deleted the rest of the Bill will not be concerned at all. I say that the object for opposing this clause is that the Government would not press for the passing of the law and that would shut out all further discussion about the Bill.

**Mr. S. C. SEN:** May I, Sir, say a few words? From the discussion that we are having now it appears that there is considerable amount of suspicion in the mind of the members of the Opposition and for that purpose a number of amendments have been put. I would ask whether a compromise is not possible in the matter, because I understand that on principle practically almost all sides agree that there are some waste lands which should be put into cultivation and there are landless cultivators who should be provided with lands. So the principle is accepted. The question is that there is certain suspicion, may be fair or may be unfair, whatever it may be and it is for that reason the Opposition is preventing the passage of this Bill. So under the circumstances is it possible for the Hon'ble Minister to have a discussion at this stage with the Opposition and to see which of the amendments should be eradicated and which of the amendments are to be accepted and thus the Bill may be enacted in a fair way?

**Mr. PRESIDENT:** The suggestion of Mr. Sen, so far as I can make out, is that there should be a discussion between the Government and the Opposition so that they may come to an agreement as regards the amendments. But that is a thing which must be left to the Opposition and the Minister in charge of the Bill. If there is a request from both sides, the Chair won't stand in the way.

**Mr. KAMINI KUMAR DUTTA:** I can only say that the Opposition is quite ready to meet the Hon'ble Minister-in-charge and try to find out if an agreement is possible.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I have no objection to sit with the Leader of the Opposition to find out if I can accept any of the amendments that may be put forward by them. With a view to this I feel that the House may be adjourned so that we may sit immediately and find out if a compromise can be made.

**Mr. HAMIDUL HUQ CHOWDHURY:** For how long the House will be adjourned?

**The Hon'ble Mr. FAZLUR RAHMAN:** For today so that we may have an hour's discussion.

**Mr. PRESIDENT:** May I have the views of the European Group?

**Mr. E. D. DOYNE:** Yes, Sir, that is also our view.

**Mr. PRESIDENT:** In view of the suggestions made by the Leader of the Opposition and agreed to by the Hon'ble Minister, I think I should adjourn the House now.

The House stands adjourned till 1-30 p.m. tomorrow.

## Adjournment.

The Council then adjourned till 1-30 p.m. on Thursday, the 8th May, 1947.

## Members Absent.

The following members were absent from the meeting held on the 7t May, 1947:—

(1) Mr. Sultanuddin Ahmed.
(2) Mr. L. P. S. Bourne.
(3) Khan Bahadur Syed Abdur Rashid Chowdhury.
(4) Mr. Abdul Hamid Chowdhury.
(5) Mr. Yusuf Ali Chowdhury.
(6) Mr. C. E. Clarke.
(7) Khan Bahadur Sheikh Fazl Ellahi.
(8) The Hon'ble Mr. Abdul Gofran.
(9) Mr. Mungturam Jaipuria.
(10) Alhadj Khan Bahadur Sheikh Mahammad Jan.
(11) Mr. Satish Chandra Jana.
(12) Mr. Humayun Z. A. Kabir.
(13) Mr. Abdul Latiff.
(14) Mr. Nagendra Nath Mahalanabish.
(15) Mr. George Morgan, C.I.E.
(16) Khan Bahadur Mukhleswar Rahman.
(17) Dr. Kumud Sankar Ray.
(18) Miss Ethel Robertson, C.S.P.
(19) Dr. Kesiruddin Talukdar.
(20) Khan Bahadur Abdul Latif Chaudhury.
(21) Alhaj Yar Ali Khan.

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# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947—No. 41.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, 8th May, 1947, at 1-30 p.m. being the 41st day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTIONS AND ANSWERS

### Authority set up for the improvement of the Damodar river.

**125. Mr. B. K. ROY CHOWDHURY:** Will the Hon'ble Minister in charge of the Department of Irrigation and Waterways be pleased to state—

(a) what authority has been set up for the improvement of the Damodar river;

(b) what Provinces are represented on that authority;

(c) whether the Central Government is directly represented on the authority;

(d) on what basis the financial responsibilities are to be allocated between the different Governments represented on the authority;

(e) whether any scheme has been formulated by the authority for the improvement of the river Damodar and the regulation of the Damodar floods; and

(f) if the Bengal Government have already spent any amount on the working of any Damodar scheme under the auspices of the Damodar authority?

**MINISTER in charge of the DEPARTMENT of IRRIGATION and WATERWAYS (The Hon'ble Mr. Tarak Nath Mukherjea):** Sir, I have not yet received the proceedings of the meeting held in this connection at New Delhi from the Centre and unless I get that it will be indiscreet on my part to answer this quesion. The printed reply is an *ad interim* reply and therefore I would request that this question may be held over.

**Mr. LALIT CHANDRA DAS:** Sir, what about the other pending questions. There are too many questions which still remain to be unanswered?

**Mr. PRESIDENT:** The questions which are ready are printed. Unless the replies to questions are ready they cannot be printed.

**Mr. LALIT CHANDRA DAS:** Sir, I request Government through you, to expedite the replies. There are many questions remaining unanswered.

**The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN:** Sir, the request was made only yesterday and one of our colleagues told the House that he would inform the different Departments concerned to reply to the pending questions.

**Mr. PRESIDENT:** Very well. Kindly try to expedite them.

## The Bengal Acquisition of Waste Land Bill, 1947.

**Mr. PRESIDENT:** The Bengal Acquisition of Waste Land Bill, 19 (looking to the Hon'ble Mr. Fazlur Rahman), could you come to any agre ment with the Opposition?

**The Hon'ble Mr. FAZLUR RAHMAN:** We could come to no agre ment. The position is this that we met yesterday and then the Leader the Opposition wanted to consult his party today. The Leader the Opposition also said that unless the Leader of the Congress Party in tl Lower House who is at present away from the city came back and unle he and his party members in this House could meet the Leader of tl Congress Party in the Lower House and his party members and discusse the matter with them with a view to arrive at a mutual understanding l would not be able to tell the Hon'ble Minister how they could accelerate tl passage of the Bill in this House.

**Mr. PRESIDENT:** Mr. Datta, may I take it that you agree with wha the Hon'ble Minister said just now?

**Mr. KAMINI KUMAR DATTA:** That is really the opinion of th party to which I have the honour to belong.

**Mr. PRESIDENT:** Then shall we proceed with the Bill and the amend ments as they stand at present pending of course your discussing the matte with your party members and then contacting the Hon'ble Minister at th earliest possible opportunity?

**Mr. KAMINI KUMAR DATTA:** Yes. When the Leader of th Congress Party in the Lower House is back in the City a joint meeting o the Congress Party members of both the Houses will be called and afte discussing the whole matter between ourselves if we find any useful purpos will be served we will certainly contact the Hon'ble Minister with a view t arrive at an agreement.

**Mr. AMULYADHONE ROY:** Sir, what will be the position of the Opposition within this period of the truce between the Opposition and the Government?

**Mr. LALIT CHANDRA DAS:** There is no question of any truce.

**Mr. AMULYADHONE ROY:** In the meantime no amendments should be allowed to be moved by the Opposition.

**Mr. LALIT CHANDRA DAS:** Is the honourable member (meaning Mr. Amulyadhone Roy) then suggesting an adjournment of the House? We want to go on and finish the Bill.

**Mr. PRESIDENT:** Order, order. Yesterday the main clause was under discussion and Mr. Datta the Leader of the Opposition spoke on it. I now propose to put the clause to vote.

**Mr. PRESIDENT:** The question before the House is that clause 1 stand part of the Bill.

The question was put and a division taken with the following result:—

**AYES—17.**

Mr. Abdulla-al-Mahmud
Mr. Nur Ahmed
Mr. Sadaruddin Ahmed
Rai Bahadur Dhirendralal Barua
Mr. Moazzem Hosain Chowdhury
Mr. Syed Fazle Rabbi Chowdhury
Mr. Yusuf Ali Chowdhury
Mrs. Labanyaprobha Dutta
Mr. A. M. Shahoodul Haque
The Hon'ble Mr. Saiyed Muazzamuddin Hosain
Mr. Latafat Hossain
Mr. Mobarak Ali Khan
Mr. Syed Abdul Majid
The Hon'ble Mr. Taraknath Mukerjea
Khan Bahadur Ghyasuddin Pathan
Mr. Abdul Rashid
Mr. Amulyadhone Roy

NOES—9.

| | |
|---|---|
| Mr. Lalit Chandra Das | Mr. Bisswanath Roy |
| Mr. Kamini Kumar Dutta | Mr. Patiram Roy |
| Rai Bahadur Brojendra Mohan Maitra | Mr. Charu Chandra Sany |
| Mr. Bijoy Singh Nahar | Mr. Satish Chandra Sen |
| Rai Bahadur Jogendra Nath Roy | |

The Ayes being 17 and the Noes 9 the motion was agreed to.

*Clause 2.*

**Mr. PRESIDENT:** Clause 2 stand part of the Bill.

**Mr. CHARU CHANDRA SANYAL:** Sir, I beg to move that for sub-ause (*1*) of clause 2 of the Bill the following be substituted, namely:—

"(1) 'Collector' means the Collector of the district."

Sir, why a very responsible officer of the status of a Collector of a strict is necessary, because the work involves acquisition of about 40 chs acres of land and distribution of more than Rs. 4 crores as compensa-n. The Collector has to work for the acquisition of the land and also for e payment of the money. He has two functions. These Collectors shall ve to undo the work done by the East India Company when one third of e population died of starvation and so one third of the cultivated land came fallow and due to the neglect of the then existing waterways the nds continued to remain fallow up to this date. These Collectors shall ve to deal with disputes regarding waste lands on an average 1 to 3 lakhs res of lands per district and these disputes involve intricate legal matters. o, they must be conversant with the laws of the land with all its implica-ons. They shall have to distribute and pay money to the extent of Rs. 10 15 lakhs to the owners of lands per district of various descriptions and e apportionment of compensation is certainly a difficult task. It is for is reason that a man having perfect knowledge in the departments of stribution of lands or in the land acquisition and also in the laws of the nd is necessary to carry on these functions. The most intricate question at will come before these Collectors will be the function of distribution, quisition, evaluation of lands and especially the forest lands which have t been exempted from the operation of this Bill and these lands were never ltivated. Take for instance the case of standing *sal* forest in Jalpaiguri strict, Darjeeling district and Chittagong Division. One acre contains out 200 *sal* plants and the cost of each is not less than Rs. 50 and so the tal value will come to Rs. 10,000. Certainly it would be a big job for e Collector to value one acre of such land with the standing *sal* at Rs. 10 r acre. Another instance of fuel plants, namely, Malata, Jarul, etc., at grow naturally in the Chittagong and Jalpaiguri Divisions. Of urse these are forest divisions. Each acre of those plants weigh nearly 000 maunds. The value is Rs. 4,000 at least. Is it not a big job to luce this value to Rs. 10? In the district of Darjeeling there are forests ere champ, chiloni, Panisaj, etc., grow abundantly. They are costly ants no doubt. It certainly requires an experienced hand to fix the value such lands with the standing trees at Rs. 10 per acre! In the case of ants grown all over Bengal, especially in the sandy tracts, namely, ali and simul, which are required for making matches, it would be a ficult job to value such lands containing those plants at Rs. 10 per acre, ere each single plant sells at Rs. 30-60 according to szie. In the case the Sundarban forest areas and in respect of the mahogany jungles in ts of the district of Nadia the question of compensation is likely to be an ricate one. The Minister in charge is an East Bengal man. He tainly is aware of the tracts of land in East Bengal where *shama* grass ws wild and sometimes constitutes the only fodder for the cattle. These as are never cultivated. At present the price of cattle fodder is very h. Such lands fall under the term waste land. A very fertile brain is

certainly necessary to fix the value of such lands at Rs. 10 per acre. Instances of like nature may be multiplied. The point is that a very intelligent and experience officer is necessary to deal with such difficult problems. Hence my amendment. I hope this will receive the support of the House.

**Mr. PRESIDENT:** Amendment moved that for sub-clause (*1*) of clause 2 of the Bill the following be substituted, namely:—

"(1) 'Collector' means the Collector of the district".

**Mr. LALIT CHANDRA DAS:** Mr. President, Sir, I rise to support the amendment which has been moved by my friend Mr. Sanyal. If the amendment is accepted it would read, Sir, "Collector means the Collector of the district". As the sub-clause stands at present anyone can be appointed by the Government to do the duties imposed by the Bill and no qualification has been given as to the kind of person the Government may authorise in this behalf for the purpose of acquisition of the waste lands. That is not at all desirable. We want that a very specific statement should be made by the Government with regard to the qualifications of the persons whom the Government may appoint for the purpose of discharging the duties imposed upon the Collector under this Bill. When Mr. Sanyal suggests that the Collector should mean the Collector of the district he is on a very firm ground. Generally, the Collector are I.C.S. people or senior members of the Bengal Civil Sevice gifted with high education and experience, and it is such persons who should be entrusted with the onerous duties which this law imposes. A glance at sections 3, 4 and 5 of this Bill would convince any man that the Government should have been very particular in stating the qualilfication of those whom they intend to appoint as Collectors to discharge the duties under the Bengal Wasteland Acquisition Act. Sir, according to section 3 of the Bill there would be publication of a preliminary notification and that section also states the powers of the officers, etc., who issue such notification. Whenever it is decided by the Provincial Government that a certain piece of waste land should be acquired by the Government the first step that Government will take will be to ask the Collector to give public notice of the fact that Government intend to acquire a certain quantity of land in such and such a district. The duty of the Collector would then be to cause public notice of the substance of such notification to be given at convenient places or near the land. That I take it is a simple matter, and perhaps it will be replied by the Government that for such a purpose any person can act, and he need not be a man with high qualifications, but, Sir, that is not so. It will appear that the Collector, who will do this work has been subsequently given the power to decide certain other things, which I shall relate presently. As soon as it is reported by his officers that such and such land will be required for public purpose, he will have the right and power to depute his servants and workmen and other persons to enter and survey the land, even to go and dig and even bore into the land and do all other acts necessary for the ascertainment as to whether the land is adapted for a public purpose, namely, for the public purpose for which the Government intend to acquire the land. Then, Sir, the persons will also have the power to set out the boundaries of the land proposed to be taken and the intended line of the work proposed to be made thereon, and so on and so forth. As soon as these preliminary works are done and all the reports reach him, the Collector will set them and sift all the facts as reported by his workmen and servants who have gone into the land and will decide whether the land is actually fit for the purpose after hearing objections if any from the owner. As soon as that has been decided, he will draw up a report and send it up to the Provincial Government. So the House will realise, this patent fact that this officer has been given at an early stage the right of deciding whether the piece of land should be acquired or not. Section 5 will show that it is upon his report that the Provincial Government will decide whether the land should be acquired or not. Generally, Sir, in the absence of any other evidence when a report goes

o the Provincial Government under the hand and seal of the Collector ppointed by that Government that report is practically bound to be acted pon and the result will be that the Provincial Government will order the quisition of the waste land in question. So it ought to be apparent to he House that a person who should be appointed as Collector should be a ery responsible person and not anybody and everybody whom Government ay chose and notify as Collector to discharge the duties under this Bill. Ve want, Sir, that the person should be no other than the Collector of the istrict who is generally an I.C.S. or a senior B.C.S. officer with sufficient xperience. The responsible duties that are laid upon the Collector are heavy nd the task of settling the compensation at the preliminary stage also lies pon him. He will decide what ought to be the price of a particular piece f land. Three categories have been given for the purpose of ascertaining e price of land. In one category with respect to lands lying waste for over 0 years, as the Hon'ble Minister told the House yesterday, the price has een fixed and there is no difficulty about it. Every one can fix the price nd Government has fixed it at Rs. 10 per acre. But for other two cateories the Collector has been given the discretion regarding the price to be warded. Therefore I say that at the preliminary stage the Collector will e a very responsible person. It may very well be that in most of the cases e lands are not waste lands for over 30 years: it may very well be that it fallow but culturable. So if the man appointed as Collector is a man of igh education and experience he is very likely to have a sound discretion giving the compensation. But in case a man who is actually a follower the Ministry is appointed who knows the policy behind the Government en his job will be to please the Ministry and to expropriate the land and t to give proper compensation or a proper hearing to the owners showing use why the land in question should not be acquired. Therefore I urge at for the preliminary stage we should be careful to see that the Governent appoint a competent officer for this purpose, and that such man should t be below the rank of a Collector of a district who is generally an I.C.S. a senior B.C.S. officer. With these words I support the amendment of my iend Mr. Sanyal.

**Mr. BIJOY SINGH NAHAR:** Sir, I rise to support the amendment oved by my friend Mr. Charu Chandra Sanyal. It is quite appropriate the purpose of this Act that the Collector appointed for this purpose ould be the Collector of a district. If the person is Collector of a district u may take it that there would not be much trouble. The work that has en conferred upon the Collector to perform by this Bill is very onerous d requires to be done by a very efficient and experienced officer. He has great responsibility to perform. He must have a good knowledge of the nd and of the place. But the definition that has been given in this Bill the Collector which I am reading means practically nothing—"Collector cludes any person"—no qualification has been given to the words—"any rson authorised by the Provincial Government". This is the only qualifica-n—person whoever he may be but if he is authorised by the Provincial vernment, he is an able man and he has been allowed to perform all the actions of the Collector under this Act. This is really a very badly drafted use. Here it means that the Provincial Government may appoint any rson who is their favourite or whom they choose or whom the Minister oses or who is selected by the Minister, may be appointed. He may a man who may not have any knowledge either of the land or of the ce. If such a man is appointed as Collector we do not know what would the fate of the people who are sufferers. My next point is that the person ist possess good knowledge of the law.

Sir, the Collector must be a good lawyer or at least an experienced man deal with matters of law. He will have to face lawyers, try cases and he ll have to hold proper courts and if he is not a lawyer, if he has not a per knowledge of law, he will be a failure, just as we find people pointed as Honorary Magistrates chosen from among the favourites of

the Government sitting in a court of law imposing lump sum fines without caring to go into the question as to why the accused has been arrested. They do not practically ask as to what happened or why the charge has been framed against an accused but fine person Rs. 5 or Rs. 10 and these fines bring money to the coffers of Government and the Honorary Magistrates are given titles, etc. We have known many such persons, we have seen many such courts and we have found that these people have no knowledge of law whatsoever. They have not even commonsense and what is ridiculous they are appointed as judicial officers or executive officers. Government thought them to be competent simply because they can dance attendance on the wishes of the Government but what is the fate of the people generally. They suffer. Therefore the Collector here must be a tried Magistrate and must also be impartial. He must have full knowledge of land systems. He must know the meaning of the different sections of the Act and how the sections will apply. If he is not competent he will make blunders at every step and we have examples before us from the High Court to show how the cases tried in the lower courts when they are taken up on appeal, severe strictures are passed on the trying Magistrates by the High Court. So, if the Collector is incompetent there will arise many troubles. The Collector must also have knowledge of the land. He must know the procedure of land acquisition as how to acquire lands, what kind of land is called waste land, what is the general produce of the land, etc. The Collector of a district is conversant with the condition of the lands of the district and therefore he is the proper man to be appointed for this purpose. He is a man of the Government and he is the proper authority in these matters. If another man is appointed as Collector obviously there will be clashes in the sphere of their activities. Moreover, there will be double expenditure which nobody will like at the present moment considering the present financial position of the Government. The Government should not spend more on the new staff for this purpose. After all, you are not going to acquire lands for all time. It is for a short period. The Collector in the midst of his duties can find enough time to deal with all these matters and to acquire such lands or to do other things connected with this acquisition only. The Collector is empowered only to deal with matters of acquisition and not with the improvement of lands. No scheme has come up before this House for the improvement of the land to do which really you need efficient staff, experienced staff and a staff which has knowledge of improving the land, but this is only a matter of procedure where you require an officer of high rank and that officer should rightly be the Collector of the district. Next Sir, it has not been mentioned anywhere in the definition, as has been put before the House, that "Collector" means the Collector of each district. It may so happen that the Government of Bengal or the Government of the time when appointing the authority may appoint one of their favoured gentlemen; only one gentleman may be appointed as the Collector under this Bill for the whole of Bengal with headquarters at Calcutta to deal with these matters and he may be authorised to acquire lands in the different districts. This officer may be in Calcutta and nobody in the moffusil would be able to meet him and to make representations, especially the poorer sections of the people in Bengal, the poor cultivators affected by the acquisition of their lands by Government. They cannot go to Calcutta or to any other place where the Collector may move for his convenience and it will not be possible for the people to dance attendance on him day to day because the cases may be adjourned a number of times making it impossible for them to attend. There is also the power of the Collector to make the party present in his court when directed and if for each such court different Collectors are not appointed there would be various troubles, trouble to those people for whom very strongly our Leader of the House advocated the other day. Sir, he wanted the poor people not to suffer; he advocated the cause of the poor peasants, the poor cultivators and so on and so forth, of Bengal. He felt so much for them but, Sir, he should also at the same time feel for the bad definition of

"Collector" and demand that the Collector should be the Collector of each district so that the people of those places might not suffer, might not have to go to other districts or other places. It may also be that in these hot days the Collector may like to go to Darjeeling and the poor people may be forced to spend money and to go to Darjeeling, spending money after representations to the Collector regarding their lands. (Interruption.) We may do that; you may afford to do that but not others. So the appointment should be made differently for each district, not one man for 3, 4 or 10 districts or for the whole of Bengal. Therefore the Collector of the district who is already there is the proper person to be appointed as Collector for purposes of this Bill as well. The last point that I would make is that in the past we have found out that, at the time of making such responsible appointments, the present Ministry has made bungling. They have been charged with nepotism and jobbery. We know of cases where appointments have been made in the most improper manner where the person appointed is the most inefficient who does not know his job—it may be he got the appointment because he was a relation of the favoured persons of the Ministry or was a relation of the Minister or Ministers or their henchmen and so he got the appointment. That should never be the case. We do not like that any such appointment should be given to any and every person. And here there is wide scope for such appointments, the scope is much greater in this Bill. The definition says "Collector" includes any person authorised by the Provincial Government, etc." We know, Sir, to our cost how the Provincial Government is being run and we do not like that this House should give further power to the Government to have this sort of nepotism continued. We know how this appointment will be made when this Bill is passed into law. We know how the Government is going on merrily at the time of making the appointments and in other cognate matters. There are already charges against the present Government substantiated by facts. There are persons who have been prosecuted for various things and they have not only been prosecuted but also fined, and yet the Government still continues to support them in various ways. So, Sir, the Government should not be given such general power but a restriction should be made on the qualifications of the Collector that such and such should be the minimum qualifications for a Collector and there will be no divergence of opinion that the Collector of a district who is ruling the district should be appointed for the purpose of acquiring any waste land and the Collector will have the power of finding out whether such and such a land is really for a public purpose or the price going to be offered is really the proper price or what should be the real compensation for the land, and so on and so forth. But at the same time he will have to satisfy himself whether the persons to whom he is going to pay compensation are really the persons affected and how apportionment is going to be made, and so on. Therefore I support the amendment that the Collector of a district should be the Collector under the Bill.

Mr. Bankim Chandra Datta rose to speak.

**Mr. PRESIDENT:** Don't you think, Mr. Datta, that the matter has been sufficiently discussed now?

**Mr. BANKIM CHANDRA DATTA:** I am afraid I was not here before this, Sir. I must apologise for my delay in coming but all the same I wish to speak on this amendment. I shall however be very brief, in fact, shall not speak more than two minutes.

**Mr. PRESIDENT:** All right.

**Mr. BANKIM CHANDRA DATTA:** Sir, I do not think any amendment can be more modest than the present amendment. All it means is that the Collector should mean the Collector of the district. The duties and responsibilities under this Bill are very heavy and the Government should

not appoint any Tom, Dick and Harry to carry on these responsible duties and functions. Sir, what harm is there if the Collector of the District is given this duty? After all, we all know that the Collector has not much to do at present. He (Collector) does not do much of court work which are delegated to other subordinate officers who can discharge them, but in the case of a duty or responsibility which is proposed to be given under this Bill, surely he is the proper person. I do not think it requires any further elucidation to establish that the result will be disastrous if any person other than the Collector is directed to carry out these various responsible duties. Consider the case of the owners of land, the poor owners who may have been in occupation of a particular piece of land for generations, whose lands are going to be taken away from them by virtue of the provisions of this Statute; and he feels that his land is being practically robbed from him and that there is no justification for inclusion of his lands and that he has a strong case to feel forward and he understands that his Judge is the Collector of the District—a man for whom he had the highest regard and from whom he could expect justice and fair play—he would feel happy—but if an ordinary individual who does not possess the necessary training, experience and judgment cannot commend such sense of security and satisfaction you should appoint such men on whom the people has confidence and these men should be recruited from people of the rank of a Collector.

The poor victim will not be happy if he has to go before a man who has not got the requisite training and experience to appreciate the view point of a tenant or a owner of the land whose land is proposed to be taken away I therefore say that it is a very modest amendment and I think Government would be well advised to accept it.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I cannot answer to the imagination of the Opposition because all those things which they have put forward have been put forward from their imagination and not from their experience. Therefore I refrain from replying to them. I would however refer to the expression of "Collector" as defined in the Bill. I may say that it has been exactly defined in the same terms as in the Land Acquisition Act which is also intended for the acquisition of land and which is no less an important Act than this Act, and when no difficulty has been experienced in the working of that Act, no difficulty is expected to be experienced in this Act also.

**Mr. BIJOY SINGH NAHAR:** On a point of information, Sir. The Hon'ble Minister has mentioned that here in this Bill the definition of "Collector" is the same as in the definition of the Land Acquisition Act. I have got a copy of the Land Acquisition Act and in the definition here it says "Collector" means Collector of a district and not as he was saying just now. Sir, the Hon'ble Minister is misrepresenting the whole thing—

**Mr. LALIT CHANDRA DAS:** Sir, he has accepted our amendment. The motion is carried.

**Mr. PRESIDENT:** Order, order. Let me have the Act. According to the Land Acquisition Act the definition of "Collector" means "Collector of a district and includes a Deputy Commissioner and any officer specially appointed by the local Government to perform the functions of a Collector under this Act".

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I am glad that you have read the whole definition. I am really sorry, Sir, that an honourable member of this House by reading a portion of the definition was trying to mislead the House. This is very regrettable. Sir, I oppose the amendment.

**Mr. BIJOY SINGH NAHAR:** On a point of explanation, Sir. The Hon'ble Minister has stated that the definition provided in this Bill is just the definition given in the Land Acquisition Act. But as you have seen, it is not.

**Mr. PRESIDENT:** Order, order. In the language of George Elliott, the famous novelist, you are both right and both wrong.

The question before the House is that for sub-clause (*1*) of clause 2 of the Bill the following be substituted, namely:—

"(1) 'Collector' means the Collector of the district".

The motion was put and a division taken with the following result:—

**AYES—12.**

Mr. Lalit Chandra Das
Mr. Sankim Chandra Datta
Mr. E. D. Doyne
Mr. Kamini Kumar Dutta
Mr. G. J. K. Hook
Rai Bahadur Brojendra Mohan Maitra
Mr. Bijoy Singh Nahar
Rai Bahadur Jogendra Nath Roy
Mr. Biswanath Roy
Mr. Patiram Roy
Mr. Birendra Kishore Roy Chowdhury
Mr. Charu Chandra Sanyal

**NOES—23.**

Mr. Abdulla-al-Mahmud
Mr. Nur Ahmed
Mr. Sultanuddin Ahmed
Rai Bahadur Dhirendra Lal Barua
Mr. Reajuddin Bhuiya
Mr. Moazzem Hossain Chowdhury
Mr. Hamidul Huq Chowdhury
Mr. Syed Fazle Rabbi Chowdhury
Mr. Yusuf Ali Chowdhury
Mr. D. J. Cohen
Mrs. Labanyaprobha Dutta
The Hon'ble Mr. Abdul Gofran
Khan Bahadur A. M. Shahoedul Haq
The Hon'ble Mr. Saiyed Muazzamuddin Hosain
Mr. Latafat Hossain
Mr. Mobarak Ali Khan
Mr. Syed Abdul Majid
The Hon'ble Mr. Tarak Nath Mukerjea
Khan Bahadur Ghyasuddin Pathan
Mr. Abdul Rashid
Mr. Amulydhone Roy
Khan Sahib Maulvi Wahiduzzaman
Haji Md. Yusuf

The Ayes being 12 and the Noes 23 the amendment was lost.

**Mr. ERIC DERMOT DOYNE:** Mr. President, Sir, I beg to move that in sub-clause (*1*) of clause 2 of the Bill, after the words "any person" in line 1, the words "not below the rank of a Deputy Collector" be inserted.

Sir, I sincerely hope that the various amendments to the Bill standing in my name will have the support of this House for if not it is doubtful whether any person however great his experience and however senior his rank can hope to interpret this Bill if and when it becomes law in an equitable manner and in the interests of both of Government and the owner.

In order to demonstrate the importance of this amendment I find it necessary briefly to review certain of the functions of the Collector and I crave your indulgence, Sir, if thereby I appear to deal with matters which it might be argued are not strictly connected with this particular amendment.

In the first place, Sir, I would refer to clause 17 and Clauses 17A to 17J, that mighty monument to the labours of the Select Committee.

These 11 clauses consisting of no less than 900 words were substituted for the original clause 17 consisting of just 56 words.

It would be natural to assume that as a result of these very large additions to a Bill which in some respects it might be argued is already too lengthy and which have been inserted presumbly with the intention of clarifying the procedure conveying a reference to the courts all the chief points likely to be at issue would have been covered.

But, Sir, this is not at all the case. In my opinion the most unsatisfactory point in the whole Bill with possible exception of what I may call the miserable rates proposed for compensation to which I shall refer later is the grossly inadequate definition of "waste land".

Not only is the definition far too narrow but it is likely even if amended to be most controversial. It is surely therefore not unreasonable to assume that the Select Committee when going to such trouble to redraft clause 17 and those that follow and did it at such length would have provided for this

most probable bone of contention. Not a bit, Sir. It has been completely ignored and there is neither provision for reference to the courts nor even to arbitration. What, Sir, is the procedure? As I see it the first step is for the Provincial Government, without consulting the owner, to publish a notification to the effect that certain land is needed or is likely to be needed for a public purpose. Thereafter the land can be entered and despoiled by digging of trenches, boring of holes cutting down of fences, etc., and if as a result of such survey it is decided not to acquire the land, the owner has no right of damages against the Government no matter what harm they may have done to his property. In the case of the Land Acquisition Act, however, damages may be claimed and I cannot see why this has been left out in this particular Bill. If it is decided to acquire the land the owner at last is granted the right to lodge an appeal to the Collector who in his turn after hearing the appeal refers the case to the Provincial Government for their decision which Sir, shall be final. There is no right of appeal to arbitration or to the courts, and to make particularly sure that no owner gets any remedy from the courts, a special clause, clause No. 18, has been introduced securely to bar the door. In fact, Sir, the Provincial Government is both a party to the case and its judge. Sir, the courts of law in any country are established so that each and every individual may have the right, and we who support democracy claim that every individual must have the right, to submit his grievances to an independent authority for a fair and unprejudiced verdict. Why, sir, then is the Provincial Government and their nominee the Collector to be the sole judges in this matter and why, Sir, is the right of appeal to the courts to be denied to the owner of the land? In the courts, Sir, a suppliant has the right of appeal to the highest court in the land but not so in this case—his only appeal can be to a prejudiced party and he has no right of appeal from the decision of this party. If this were a minor point or if an application to the courts was permissible it might not be of such importance, but as I have already said the question of whether or not a piece of land is "waste land" is likely to be most controversial. Now, Sir, how does the Bill define "waste land"? Briefly, and subject to certain exceptions as 'land which has been lying uncultivated since before 31st January 1947.' In other words, Sir, it is presumed by those who drafted the Bill that all land is agricultural land, 'cultivated' and 'uncultivated' are agricultural terms and are applicable to agricultural land and agricultural land alone. As I see it, land forming part of the premises whether contained within or immediately surrounding factories, institutes, hospitals, colleges, schools, public buildings, etc., together with all playing fields, football pitches, cricket grounds, tennis courts, grazing pastures, etc., can all be described as waste land unless such land is actually cultivated or has buildings thereon.

Equally land acquired or held on lease after 31st January, 1947, is liable to be acquired as waste land even if there is every intention to erect factories or other buildings thereon but such work, as at present, is so often unfortunately the case, is held up owing to difficulty in obtaining materials.

Is it the serious intention of Government through their definition of waste land to make liable to acquisition if Government and their nominee the Collector see fit, all land contained within or surrounding and forming part of the property of hospital factories, institutes, colleges, schools, public buildings, etc., not to mention recreation grounds, grazing pastures and land acquired or leased after 31st January, 1947, for *bona fide* purposes and after such acquisition against which there is no appeal to compensate the owners at the ridiculously low rates laid down in clause 13.

I realise that this Bill does not apply to Calcutta and other municipalities and also that under clause 2 land acquired or held prior to 31st January, 1947 for industrial or building purposes is exempt but there are many hospitals, factories, institutes, colleges, schools, public buildings, recreation grounds and grazing pastures outside such limits whilst whether

or not a particular piece of land is being held in its entirety for industrial or building purposes is likely to be very controversial and if the Provincial Government in their capacity as judge require such land, the owner cannot expect a liberal interpretation of this clause.

Sir, I sincerely hope that the Hon'ble Minister and this House will agree and insist respectively on a wider and fairer definition of waste land than that at present appearing in the Bill and will also agree to a reference in regard to waste land being permitted to the Courts in terms of clause 17 and following.

Whatever the ultimate decision of this House on this vexed question of the definition of waste land this particular part of the duties of the Collector calls for the services of an experienced and high ranking man.

I now turn to the other main duty of the Collector which is to assess compensation and in such assessment to be guided by clause 18.

We are advised that the Bill has been introduced because the machinery of the Land Acquisition Act, 1894, is too slow and too cumbersome. This may or may not be so, but I am prepared to accept Government's view. The Land Acquisition Act, has, however been in force for more than 50 years and its clauses have been tested time and again in the Courts.

In such circumstances in framing this new Act we should surely avail ourselves whenever possible of the well tried clauses of the Land Acquisition Act except in so far as they are likely seriously to retard the process of acquisition.

I note, however, that no attempt has been made to take advantage of the provisions of the Land Acquisition Act in regard to compensation. Is it Government's intention not only to get the land quickly but also at a price far below its market value. It is the usual practice in commercial circles to pay a little more than the market price if you want something quickly but Government have apparently adopted the opposite course, which is no doubt very attractive to them but manifestly unfair to the owner.

Surely, Sir, Government should be satisfied if they get the land quickly and should be prepared to accept as the basis for compensation the relative clauses, as far as applicable, in the Land Acquisition Act of 1894.

If this proposal is unacceptable then let us refer to the Defence of India Act and in particular those clauses covering the acquisition of land.

The Defence of India Act was introduced to cover an emergency and to enable rapid action to be taken, and this I gather is also the reason for the introduction of the Bill.

Later, I shall be moving an amendment to substitute a new clause 13 and my clause is taken *in toto* from the Defence of India Rules.

My party, Sir, accept Government's assurance that a Waste Lands Bill is necessary and have so far supported Government in regard to this Bill. We can, however, only continue this support if it is amended so as to ensure that a fair and comprehensive piece of legislation and one of which this House can be proud, is placed on the Statute Book.

In order to achieve this we maintain in brief:—

(1) That when a reference is made to the Courts it shall be to the Court of no one less than a Subordinate Judge.

(2) That the definition of Waste Lands shall be broadened to cover only land unused for any purpose and also any dispute in regard to whether land is or not waste shall be referred to the Courts.

**Mr. PRESIDENT:** Order, order. Mr. Doyne, are your suggestions quite pertinent to the motion before the House?

**Mr. E. D. DOYNE:** Sir, I am trying to point out the duties with which the Collector might be confronted.

**Mr. PRESIDENT:** All right, finish it.

**Mr. E. D. DOYNE:** (3) That the compensation clause shall be revised so that it is fixed either by agreement or by arbitration and is based as far as practicable on sub-section (*1*) of section 23 of the Land Acquisition Act, 1894.

(4) That no person below the rank of Deputy Collector shall be authorised by the Provincial Government to perform the functions of Collector under this Act.

In regard to this final point the proposed responsibilities and authority of the Collector are such that it is essential that his status should be specified and that he should be a person of senior rank.

With these words, Sir, I move my amendment.

**Mr. PRESIDENT:** Amendment moved that in sub-clause (*1*) of clause 2 of the Bill, after the words "any person" in line 1, the words "not below the rank of a Deputy Collector" be inserted.

**Mr. LALIT CHNDRA DAS:** Sir, I rise to support the amendment moved by my friend Mr. Doyne which is to the effect that after the words "any person" in line 1, the words "not below the rank of a Deputy Collector" be inserted. Now, Sir, if these words are inserted it will read "Collector includes any person not below the rank of a Deputy Collector authorised by the Provincial Government to perform all or any of the functions of a Collector under this Act. Sir, Mr. Fazlur Rahman, the Minister-in-charge of this Bill, waxed eloquent when we were moving our amendments regarding the meaning of the word "Collector" and told us that he took the definition from the Land Acquisition Act of 1894 and he was bewildered when it was shown to him that it was not so put in the Bill and after consultation with the officer he came back and out of indignation uttered some words the meaning of which he perhaps himself did not follow. Sir, in the definition there in the Land Acquisition Act, 1894, it is quite clear that no person below the rank of a Deputy Collector should be appointed. We find that the authors of the Land Acquisition Act were thoroughly honest. They were very anxious that proper persons should be invested with the power for the purpose of discharging the very onerous duties imposed on them by the Act but here what do we find? The same attempt as we find the Ministry is doing all these ten years. There have been free distribution of patronage as of permits for the controlled articles, contracts and other things simply for the purpose of giving more patronage to the supporters, the supporters of the Muslim League party and herein this Bill also a great loophole is kept open in the definition of "Collector" to extend jobberies.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, every time if you allow the honourable member to say this that because the ministry will be doing this or doing that they should not be trusted with power and to make other allegations it will be rather boring to the House and to me. When the honourable the mover of the amendment said that because such and such onerous duties will have to be performed by the Collector a responsible officer should be appointed as Collector, I could understand that and that was relevant. But this honourable member every time says that this Government cannot be trusted not on one occasion but on every occasion he speaks on the amendments. If this sort of argument is allowed to be repeated then—.

**Mr. PRESIDENT:** I appreciate what the Hon'ble Minister says that you should rather confine yourself to the merits of your case and these omnibus arguments,—that you have no confidence in the Government or the

Government communal, you have already advanced in connection with the discussion on the general principles of the Bill. So it is better that you do not repeat those arguments every time; it does not improve your case very much.

**Mr. LALIT CHANDRA DAS:** I would like to impress upon this House how things are kept open for the purpose of free distribution of patronage amongst the Government's followers and if they act in a manner that their conduct is liable to criticism they should not flare up; they must be patient and they should have the skin of a rhinoceros in order to bear the criticisms offered here. The past conduct of the Ministry shows that, as a matter of fact, they have been guilty of unfair distribution of their favours to their followers and to do the same here the definition of "Collector" in this Bill has been kept wide open. There is every room for the Ministry to distribute their patronage to whomsoever they please. Sir, here it is said that "Collector" includes any person authorised by the Provincial Government to perform all or any of the functions of a Collector under this Act. There are several persons of the Muslim League Party who are supporting this Government and keeping this Government in power which party has got the power also to throw out, at any moment, this Ministry. It may very well be, according to the definition given in the Bill of "Collector", that this Ministry for the purpose of keeping itself in power will so exercise their power, will so interpret the definition to accommodate their own followers in support of this Government by distributing favours to them. I am entitled to pass this criticism because the definition gives loopholes for the purpose of extending their patronage to their followers. Therefore if really my friend would prove, would stand by his own declaration made just now, namely, that this definition followed the definition of the "Collector" as given in the Land Acquisition Act of 1894 he ought to have the honesty to accept this amendment which is before the House for if this amendment is accepted it will put a brake upon the Government and they will not be able to appoint anyone and everyone to the post because the standard is fixed in this amendment and it is the duty of the House to fix the standard below which the Government cannot go in the matter of such appointments. The fixing of such a minimum standard is necessary all the more because the past conduct of the Ministry will show that they are capable of misusing their power and distributing patronage to their favourites. Now, Sir, a Deputy Collector is appointed conditional upon his possessing certain qualifications and those qualifications have been determined by the Government. As the definition of "Collector" stands at present anyone even without the requisite qualifications and without any experience can be appointed to the post if the Ministry so wishes it to be done and so this House insists that "Collector" for purposes of this Bill should not be any person lesser in rank than a Deputy Collector. The Minister, if he means business, if he means honesty of purpose, if he means honestly to carry out the wishes of the House and the provisions of the Bill may get up and say that he accepts the amendment. Has he stood up and said, "I accept the amendment"? After the declaration which he made previously that the definition made herein is the same as that made in the Land Acquisition Act and we pointed out it was not so—it was the duty of the Minister to accept this amendment because this amendment aims at the definition of "Collector" more or less on the same lines as the definition given in the Land Acquisition Act of 1894.

Sir, we do not like that any person should be authorised by the Provincial Government to perform the functions of the Collector under this Bill. I have already pointed out how the duties of the Collector are very important, how very onerous and how very responsible. Only responsible officers should be appointed for this work and therefore we must insist that no person below the rank of Deputy Collectors should be declared a Collector under this Act. With these words I support the amendment.

**Mr. KAMINI KUMAR DUTTA:** Sir, I would like to speak. Now, Sir, in supporting this amendment I would like to bring to the notice of the House one important fact. The powers under this special Act, the powers which the Collector will exercise and the functions which he has been authorised to perform under the provisions of this Bill are very extensive. Apparently an officer with previous experience of the work should be appointed for the purpose. Certainly I would not say that in all Acts in which any duty has been entrusted to the Collector to perform the power of delegation has not been given him. Not only in the Land Acquisition Act but in the Survey Act and almost in all the Acts and regulations relating to land, there is that saving clause that Deputy Collectors may also be entrusted with the authority to perform the Collector's functions, because the Collector of the district has so many things to do that it may not always be possible for him to look into the functioning of a particular Act. So I do not say that only the Collector of the district should be the person entrusted with this function. Certainly in all previous Acts and regulations also the Deputy Collectors or other persons particularly competent for the purpose have been given authority and functions of the Collector for that particular regulation or provision. If one would scrutinise the duties which a Collector has to do under this Act, first of all he would have to look to clause 4, where it would appear that the Collector have been given the power where objection to the acquisition has been given to report about it to the Provincial Government. It is a very important function and it would appear that this clause is a very wide one. He would have to decide objections of various characters and certainly it would require officers of sufficient experience to decide the objections arising out of this proposed acquisition. And then he has the further important function of making an award regarding the compensation. And in connection with objections he can refer the matter to the court. So it would appear that in this special Act where the State is taking special greater powers for the acquisition of waste lands and speeal powers not only in respect of a acquisition but also for assessing compensation awardable with regard to them, utmost precaution should be taken in appointing such an officer. It may be said that Government would certainly look into this and I hope and believe that Government will as a matter of fact look and have regard to this namely, that this work is efficiently done, but at the same time it is the duty of Government to convince the people that Government in taking action under this Act have considered the matter quite thoroughly, but they should also circumscribe the limits within which the appointment should be made.

Really that would remove all possible suspicion in the mind of the public. It would be for the benefit of the Government that just when the State is going to take power for the appointment of the Collector they ought to see that incompetent person is not appointed and looking to the duties to be performed by the Collector I think persons who have got some experience and education would be the best competent person. If a person from another department of Government who has no previous experience of work like this is appointed, although he may be very honest, he may be otherwise very good, he may not be able to do the work efficiently. He may be quite honest but still he may fail to discharge the function ably and efficiently. But if this amendment is accepted that would certainly remove all possible suspicion from the mind of the people whom the State intends to serve. If they circumscribe the limit and provide that he will not be an officer below the rank of Deputy Collector—that the minimum qualification of this officer would be that of a Deputy Collector—that would remove all suspicion from the mind of the public. I may say that this amendment is very fair and without any reflection as to the complexion or colour of the law it is the prime duty of the administration to see that all their work should be done not only honestly but should be done in a way which will convince the people that they are doing the work honestly. So I think this amendment should be accepted by Government, because I cannot believe that any one below the

rank of Deputy Collector should be really entrusted with the onerous duty of deciding the question which would come before him when this Act would be put into operation. It is impossible to conceive that any officer below the rank of Deputy Collector would be competent to discharge these duties. An officer of higher grade may be appointed if the amendment is accepted. This amedment is very wide. It only limits the minimum qualification of the Collector. It simply says—not below the rank of Deputy Collector. I have experience of Revenue Officers and who they are deputed to do special work and as far as I have seen that when the duties of a Collector is delegated to another officer it is generally a senior Deputy Collector who is entrusted with this work and not Deputy Collector who has recently been appointed. It is the seniormost officer who is entrusted with this work. Certainly I cannot believe that Government ever intends to appoint inefficient men. If this bill is really to be operated for the benefit of the poorer section of the people I think Government in working out the bill also ought to make a provision which would safeguard against any abuse of the provisions of the Bill.

**Mr. BANKIM CHANDRA DUTT:** Sir, I support the amendment so ably moved by my friend Mr. Doyne. I think he has laid the deadline the irreducible minimum qualification for the appointment of this officer. A person below the rank of a Deputy Collector—if such a person is appointed I do not know if any person can be left out. Any individual can be brought within this category. A man in the service of the Government in any administrative department may be thought as the best person according to Government to discharge the serious responsibilities under the Bill.

No limit has been laid down, no qualification has been given or suggested to enable to hold the office—perhaps his only qualification is—if he is in the good books of the league. Now, sir, after this, if the Opposition accuses the Ministry of bad motive, evil designs behind the Bill, the Hon'ble Minister should not get irritated or get annoyed and take exception to our accusations which, if I may say so, the courts himself or his legislation courts. Sir, my friend Mr. Doyne has placed a catalogue of duties, onerous duties and functions which this particular person would have to perform in the discharge of his multifarious duties as laid down in this Bill and there will be, I am sure, occasions when in the absence of the training, the education and the necessary judgement which ordinarily would be required in dealing with cases under the Bill there will be failure of justice, and bribery and corruption could be rampant—and Government will have to hang down its head in shame. They may have to repent for their selections. So, I should advise Government to accept the minimum qualification suggested by Mr. Doyne and accept the amendment.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, by this amendment the meaning of the Collector has been suggested to be restricted and we cannot accept the amendment, for the simple reason that it will lead to administrative difficulties. There will not be enough Deputy Magistrates and the duties and functions of the Government of the present day have increased so much that it is not possible to confine these appointments to Deputy Magistrates only and then there is no justification for doing so, because our past experience shows that these functions have been very well discharged by the Sub-Deputy Collectors or Sub-Deputy Magistrates. During the war we have seen that under the Defence of India Act, lands and buildings were requisitioned and their compensations assessed and these works were done by the Sub-Deputy Collectors and no difficulty was experienced. Similarly, under the Land Acquisition Act where very onerous duties have to be performed these Sub-Deputy Collectors also work there. These Sub-Deputy Collectors are also very experienced officers and they know the land systems very thoroughly as they have to work as Assistant Settlement Officers in the beginning and also as Land Acquisition Collectors they acquire experience and always they have been functioning and discharging their work of such

nature imposed under the Land Acquisition Act. I do not see therefore how it is necessary that the definition should be confined to Deputy Magistrates.

Now, with regard to the question of suspicion that has been raised by Mr. Datta, the Leader of the Opposition, the suspicion can be disarmed only by withdrawing the Bill but even if we withdraw the Bill they will say that there must be some motive behind our withdrawing the Bill. (Mr. BIJOY SINGH NAHAR: No, no, we won't say that if you withdraw the Bill).

Therefore there can be no reply to the suspicious arguments which are so often put forward and with so much labour by the Opposition. To that there can be no reply if their arguments are based on mere suspicion. This ministry is a popular Ministry. (Cries of Question from the Opposition Benches.) It is the verdict of the country that has brought us into existence and we are in office on the votes of the people. So Government cannot accept the position of the Opposition that by Government putting forward this measure they will not inspire the confidence of the people but will arouse their suspicion. I cannot accept such a position and I oppose the amendment.

**Mr. PRESIDENT:** I think we better stop here. I shall put the amendment to vote on Monday. The House stands adjourned till 2-15 p.m. to-morrow.

## Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 9th May, 1947.

## Members Absent.

The following members were absent from the meeting held on the 8th May, 1947:—

(1) Mr. Sultanuddin Ahmed.
(2) Mr. L. P. S. Bourne.
(3) Khan Bahadur Syed Abdur Rashid Chowdhury.
(4) Mr. Abdul Hamid Chowdhury.
(5) Mr. C. E. Clarke.
(6) Mr. Hemendra Kumar Das.
(7) Khan Bahadur Sheikh Fazal Ellahi.
(8) The Hon'ble Mr. Abdul Gofran.
(9) Mr. Mungturam Jaipuria.
(10) Alhadj Khan Bahadur Shaikh Mahammad Jan.
(11) Mr. Satish Chandra Jano.
(12) Mr. Humayun Z. A. Kabir.
(13) Mr. Abdul Latiff.
(14) Mr. Nagendra Nath Moholanabish.
(15) Mr. George Morgan, C.I.E.
(16) Mr. A. McLaren.
(17) Khan Bahadur Mukhleswar Rahman.
(18) Dr. Kumud Sankar Ray.
(19) Dr. Kasiruddin Talukdar.
(20) Mr. Md. Taufiq.
(21) Khan Bahadur Abdul Latif Chaudhury.
(22) Alhaj Yar Ali Khan.

WBGP-48/9-1065A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947—No. 42.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 9th May, 1947, at 2-15 p.m. being the 42nd day of the First Session of 1947, pursuant to section 63(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble SIR BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

## QUESTIONS AND ANSWERS

### Temporary Deputy Collectors and Sub-Deputy Collectors.

**126. Mr. A. M. SHAHOODUL HAQUE:** (a) Will the Hon'ble Minister charge of the Chief Minister's Department be pleased to state how many temporary Deputy Collectors and how many temporary Sub-Deputy Collectors are there?

(b) Is it a fact that there are some Deputy Collectors and a partly large number of Sub-Deputy Collectors who are acting temporarily for over five years?

(c) If so, when do the Government propose to absorb them permanently?

**Mr. ABDUL RASHID, Parliamentary Secretary (on behalf of Minister in charge of Chief Minister's Department):** (a) There are 52 temporary Deputy Collectors and 284 temporary Sub-Deputy Collectors.

(b) Yes, there are some Deputy Collectors who are acting temporarily for about three years, and some Sub-Deputy Collectors for about five years.

(c) Their permanent absorption is dependent on the recommendation of the Public Service Commission and on the occurrence of permanent vacancies that are to be filled by promotion in the Bengal Civil Service and Bengal Junior Civil Service cadres, respectively.

**Khan Bahadur GYASUDDIN PATHAN:** Sir, it appears that one part of the name of Mr. A. M. Shahoodul Haque in whose name the question stands is not there: the name printed being only Mr. A. M. Shadoodul.

**Mr. PRESIDENT:** That is what I thought also. I was going to pronounce the name correctly, when I noticed the omission. It should be Shahoodul Haque. I am sorry.

**Mr. BIJOY SINGH NAHAR:** Will the Parliamentary Secretary kindly state whether Government have taken as permanent Deputy Collectors or Sub-Deputy Collectors directly and not from these temporary hands in the meantime?

**Mr. ABDUL RASHID:** Recruitment has been made through the Public Service Commission.

**Mr. BIJOY SINGH NAHAR:** No, Sir, my question is not that. My question is whether Government have appointed Deputy Collectors, etc., from outside from others than those who are now working in a temporary capacity.

**Mr. ABDUL RASHID:** About that I want notice.

**Number of allopathic doctors both registered and unregistered in Benga**

**127. Mr. CHARU CHANDRA SANYAL:** Will the Hon'ble Minister i charge of the Department of Health and Local Self-Government be pleased t state—

(*a*) how many registered allopathic doctors are practising in Bengal;

(*b*) how many unregistered allopathic doctors are practising in Bengal

(*c*) if the Government have any register showing the names and particulars of unregistered allopathic doctors in Bengal;

(*d*) if so, whether he will place the same before this House; and

(*e*) if not, whether the Government propose to compile the same at a early date and make it available to the members of the Legislature?

**The Hon'ble Mr. MOHAMMED ALI:** (*a*) 12,124 up to 17th March, 1947.

(*b*) Not known.

(*c*) No.

(*d*) Does not arise.

(*e*) No useful purpose will be served by the compilation of such a list.

**Message from the Assembly.**

**SECRETARY (Dr. S. K. D. Gupta):** Sir, the following message ha been received from the Bengal Legislative Assembly:—

"The Bengal Legislative Assembly at its meeting held on the 30th April, 1947, agreed to the Bengal Tenancy (Amendment) Bill, 1947, a passed by the Bengal Legislative Council, without any amendment.

Sd. N. AMIN,
*Speaker.*"

**NON-OFFICIAL BILLS.**

**The Bengal Court of Wards (Amendment) Bill, 1944.**

**Mr. PRESIDENT:** We will now take up the Bengal Court of Wards (Amendment) Bill, 1944, as reported by the Select Committee. Mr. Abdul Rashid will move his amendment.

*Clause 4.*

**Mr. ABDUL RASHID:** I beg to move that in clause 4 of the Bill, i the proposed section 7—

(*a*) in sub-section (*1*)—

(*i*) in line 4, for the word "assumes" the word "takes", and

(*ii*) in line 13, for the word "assume" the word "take"

be substituted:

(*b*) in sub-section (*5*)—

(*i*) in line 8, for the word "assume" the word "take", and

(*ii*) in line 10, for the word "assumed" the word "taken"

be substituted.

**Mr. PRESIDENT:** Amendment moved that in clause 4 of the Bill, in he proposed section 7—

(*a*) in sub-section (*1*)—

(*i*) in line 4, for the word "assumes" the word "takes", and

(*ii*) in line 13, for the word "assume" the word "take"

e substituted;

(*b*) in sub-section (*5*)—

(*i*) in line 8, for the word "assume" the word "take", and

(*ii*) in line 10, for the word "assume" the word "taken"

e substituted;

The question before the House is that in clause 4 of the Bill, in the roposed section 7—

(*a*) in sub-section (*1*)—

(*i*) in line 4, for the word "assumes" the word "takes", and
(*ii*) in line 10, for the word "assumed" the word "taken"

substituted;

(*b*) in sub-section (*5*)—

(*i*) in line 8, for the word "assume" the word "take", and
(*ii*) in line 10, for the word "assumed" the word "taken"

substituted.

The motion was put and agreed to.

**Mr. PRESIDENT:** The question before the House is that clause 4 as mended stand part of the Bill.

The motion was put and agreed to.

*Clause 5.*

**Mr. PRESIDENT:** Clause 5 stand part of the Bill.

**Mr. ABDUL RASHID:** I beg to move that in clause 5 of the Bill, in he proposed section 8, for the words, figure and letter "become such that o order under section 6A could be made by the Provincial Government or assumption of charge of his property by the Court", the following words, figure and letter be substituted, namely:—

"whose property has been placed under the charge of the Court by order of the Provincial Government under section 6A become such that no such order could be made in respect of the property".

**Mr. PRESIDENT:** Amendment moved that in clause 5 of the Bill, n the proposed section 8, for the words, figure and letter "become such hat no order under section 6A could be made by the Provincial Government or assumption of charge of his property by the Court", the following words, igure and letter be substituted, namely:—

"whose property has been placed under the charge of the Court by order of the Provincial Government under section 6A become such that no such order could be made in respect of the property".

The question before the House is that in clause 5 of the Bill, in the proposed section 8, for the words, figure and letter "become such that no order under section 6A could be made by the Provincial Government for assumption of charge of his property by the Court", the following words, figure and letter be substituted, namely:—

"whose property has been placed under the charge of the Court by order of the Provincial Government under section 6A become such that no such order could be made in respect of the property".

The motion was put and agreed to.

**Mr. PRESIDENT:** Clause 5 as amended stand part of the Bill. The motion was put and agreed to.

*Clause 6.*

**Mr. PRESIDENT:** Clause 6 stand part of the Bill.

**Mr. ABDUL RASHID:** I beg to move that in clause 6 of the Bill, in the proposed section 9—

(*a*) in clause (*a*),—

(*i*) in lines 1-2, for the words "assumes the" the word "takes" be substituted; and

(*ii*) for the words, figure and letter "under section 6B" the words, brackets, figure and letters "under clause (*a*) of section 6B" be substituted;

(*b*) in clause (*b*), in line 3, after the word "proprietor" the words "or of any minor member of the family of a proprietor" be inserted; and

(*c*) in the proviso, in line 3, for the words "assumed charge under", the words, brackets and letter "taken charge under clause (*a*) of" be substituted.

**Mr. PRESIDENT:** Amendment moved that in clause 6 of the Bill, in the proposed section 9—

(*a*) in clause (*a*),—

(*i*) in lines 1-2, for the words "assumes the" the word "takes" be substituted; and

(*ii*) for the words, figure and letter "under section 6B" the words, brackets, figure and letters "under clause (*a*) of section 6B" be substituted;

(*b*) in clause (*b*), in line 3, after the word "proprietor" the words "or of any minor member of the family of a proprietor" be inserted; and

(*c*) in the orpviso, in line 3, for the words "assumed charge under", the words, brackets and letter "taken charge under clause (*a*) of" be substituted

The question before the House is that in clause 6 of the Bill, in the proposed section 9—

(*a*) in clause (*a*),—

(*i*) in lines 1-2, for the words "assumes the" the word "takes" be substituted; and

(*ii*) for the words, figure and letter "under section 6B" the words, brackets, figure and letters "under clause (*a*) of section 6B" be substituted;

(*b*) in clause (*b*), in line 3, after the word "proprietor" the words "or of any minor member of the family of a proprietor" be inserted; and

(*c*) in the proviso, in line 3, for the words "assumed charge under", the words, brackets and letter "taken charge under clause (*a*) of" be substituted

The motion was put and agreed to.

**Mr. PRESIDENT:** The question before the House is that clause 6 as amended stand part of the Bill.

The motion was put and agreed to.

*Clauses 7 to 10.*

**Mr. PRESIDENT:** Clauses 7, 8, 9 and 10 stand part of the Bill.

The question before the House is that clauses 7, 8, 9 and 10 stand part of the Bill.

The motion was put and agreed to.

*Clause 11.*

**Mr. PRESIDENT:** Clause 11 stand part of the Bill.

**Mr. ABDUL RASHID:** Sir, I beg to move that for sub-clause (*a*) of ıuse 11 of the Bill, the following sub-clause be substituted, namely:—

(*a*) for the words "of which it may take or retain charge under this Act, or which may be placed under its charge by order of a competent Civil Court" the words "which may be placed under its charge in accordance with the provisions of this Act or of which it may take or retain charge under this Act" shall be substituted.

**Mr. PRESIDENT:** Amendment moved that for sub-clause (*a*) of clause of the Bill, the following sub-clause be substituted, namely:—

(*a*) for the words "of which it may take or retain charge under this Act, or which may be placed under its charge by order of a competent Civil Court" the words "which may be placed under its charge in accordance with the provisions of this Act or of which it may take or retain charge under this Act" shall be substituted.

The question before the House is that for sub-clause (*a*) of clause 11 of e Bill the following sub-clause be substituted:—

(*a*) for the words "of which it may take or retain charge under this Act, or which may be placed under its charge by order of a competent Civil Court" the words "which may be placed under its charge in accordance with the provisions of this Act or of which it may take or retain charge under this Act" shall be substituted.

The motion was put and agreed to.

**Mr. PRESIDENT:** The question before the House is that clause 11 as mended stand part of the Bill.

The motion was put and agreed to.

*Clauses 12 to 18.*

**Mr. PRESIDENT:** Clauses 12, 13, 14, 15, 16, 17 and 18 stand part of he Bill.

The question before the House is that clauses 12, 13, 14, 15, 16, 17 and 8 stand part of the Bill.

The motion was put and agreed to.

*Clause 19.*

**Mr. PRESIDENT:** Clause 19 stand part of the Bill.

**Mr. ABDUL RASHID:** Sir, I beg to move that in clause 19 of the Bill, in line 3, for the word "assumes" the word "takes" be substituted.

**Mr. PRESIDENT:** Amendment moved that in clause 19 of the Bill, n line 3, for the word "assumes" the word "takes" be substituted.

The question before the House is that in clause 19 of the Bill, in line 3, or the word "assumes" the word "takes" be substituted.

The motion was put and agreed to.

**Mr. PRESIDENT:** The question before the House is that clause 19 as mended stand part of the Bill.

The question was put and agreed to.

*Clauses 20 to 25.*

**Mr. PRESIDENT:** Clauses 20, 21, 22, 23, 24 and 25 stand part of the Bill.

The question before the House is that clauses 20, 21, 22, 23, 24 and 25 stand part of the Bill.

The question was put and agreed to.

*Preamble and Title.*

**Mr. PRESIDENT:** That the Preamble and the Title stand part of the Bill.

The question before the House is that the Preamble and the Title stand part of the Bill.

The question was put and agreed to.

**Mr. NUR AHMED:** Sir, before I formally move for the final passing of this Bill, with your permission I want to move a formal amendment in clause 1 of the Bill, i.e., that for the figure "1944" occurring in clause 1 the figure "1947" be substituted.

**Mr. PRESIDENT:** I could not follow you, Mr. Nur Ahmed.

**Mr. NUR AHMED:** I beg to move a formal amendment in clause 1 of the Bill.

**Mr. PRESIDENT:** What is the amendment?

**Mr. NUR AHMED:** That for the figure "1944" in clause 1 the figure "1947" be substituted.

**Mr. PRESIDENT:** That is not necessary for you; that will be done by the office as a matter of routine.

**Mr. NUR AHMED:** Under rule 67 I can move such an amendment, I believe.

**Mr. PRESIDENT:** It is not necessary for you to do so. You have got a sufficient number of Bills on the agenda. Why take additional responsibility?

**Mr. NUR AHMED:** Then in that case I beg to move that the Bengal Court of Wards (Amendment) Bill, 1944, as settled in the Council, be passed.

Sir, I have explained the purpose of this Bill more than once in this House. At this stage I do not like to take much more time in further explaining the provisions of the Bill. Sir, the importance of the amendments to this Bill moved to-day has enhanced and is many-fold, as the Permanent Settlement is about to be abolished. Sir, after the abolition of the Permanent Settlement there will be very little necessity for the Court of Wards. Under the provisions of the existing law the Court of Wards can take up the management of estates only. After the abolition of the zemindary there will be no estate. So the importance of this Bill has become two-fold or four-fold at this stage. Sir, the main amendment is the substitution of the word "estate" by the word "tenure". Sir, up to this time the position is this that if the "tenure" amounted to some lakhs it cannot be taken management of by the Court of Wards nor can the immovable property in towns. Though its income may amount to crores, by this amendment the Court of Wards will be in a position to take over management of these properties, I mean the immovable properties, immovable properties in towns. This is the main change and the main provision of this amending Bill and I hope, if the Bill is passed, it will confer benefit on those proprietors who hold property in towns and also on those who hol

tenures and other properties and the Court of Wards will also be liable to give protection to the properties of the invalid, the minors and also the extravagant persons. The state will be in a position to protect the immovable properties of its citizens from ruin and frittering away by a profligate imbecile heir. So with these few words I recommend my motion for the acceptance of this House.

**Mr. PRESIDENT:** Motion moved that the Bill as settled in the Council be passed.

The question before the House is that the Bill as settled in the Council be passed.

The question was put and agreed to.

## The Indian Lunacy (Bengal Amendment) Bill, 1943.

*Clauses 1, 1A, 2 and 3.*

**Mr. PRESIDENT:** Clauses 1, 1A, 2 and 3 stand part of the Bill.

The question is that clauses 1, 1A, 2 and 3 stand part of the Bill.

The question was put and agreed to.

*Title and Preamble.*

**Mr. PRESIDENT:** Title and Preamble stand part of the Bill.

The question before the House is that the Title and Preamble stand part of the Bill.

The question was put and agreed to.

**Mr. NUR AHMED:** I beg to move that the Indian Lunacy (Bengal Amendment) Bill, 1943, as settled in the Council, be passed.

**Mr. PRESIDENT:** Motion moved that the Indian Lunacy (Bengal Amendment) Bill, 1943, as settled in the Council, be passed.

The question before the House is that the Indian Lunacy (Bengal Amendment) Bill, 1943, as settled in the Council, be passed.

The question was put and agreed to.

## The Bengal Muslim Marriage Extravagant and Superfluous Expenditure Regulation, 1940.

*Clauses 1, 2, 3, 4, 5 and 6.*

**Mr. PRESIDENT:** Clauses 1, 2, 3, 4, 5 and 6 stand part of the Bill.

The question before the House is that clauses 1, 2, 3, 4, 5 and 6 stand part of the Bill.

The question was put and agreed to.

*Title and Preamble.*

**Mr. PRESIDENT:** Title and Preamble stand part of the Bill.

The question before the House is that the Title and Preamble stand part of the Bill.

The question was put and agreed to.

**Mr. NUR AHMED:** I beg to move that the Bengal Muslim Marriage Extravagant and Superfluous Expenditure Regulation Bill, 1940, as settled in the Council, be passed.

Sir, it is a very important Bill from the Muslim economic point of view. It is a Bill which deals with a very important econonmic aspect of Muslim society. It is a social legislation. Its contents are very simple provisions, namely, for the formation of a committee of Muslim members of the Bengal Legislature to prepare different scales of expenditures as a maximum sum up to which expenditure at a Muslim wedding in Bengal may be incurred etc., according to the economic condition of the party. It does not prohibit necessary expenditure but prohibits only extravagant and superfluous expenditure and will also try to check the evil which is growing; namely, the evil which has grown in the Hindu society of giving and taking excessive dowries on the occasion of marriage. This evil has also entered the Muslim society and should be checked at its very biginning. It does not intrude upon that forbidden ground, namely, the Islamic Shoriat. It only puts restricts on lavish entertainment and festivities. Sir, it will check this policy. It is very useful Bill and I hope it will be supported by every section of the house.

**Mr. PRESIDENT:** Motion moved that the Bengal Muslim Marriage Extravagant and Superfluous Expenditure Regulation Bill, 1940, as settled in the Council be passed.

The question before the House is that the Bengal Muslim Marriage Extravagant and Superfluous Expenditure Regulation Bill, 1940, as settled in the Council be passed.

The motion was put and agreed to.

## The Bengal Hindu Women's Rights to Property (Extension to Agricultural Land) Bill, 1943.

*Clauses 1 and 2.*

**Mr. PRESIDENT:** Clauses 1 and 2 stand part of the Bill.

**Mr. LALIT CHANDRA DAS:** I beg to move that for clauses 1 and 2 of the Bill, the following be substituted, namely:—

"1. (1) This Act may be called the Hindu Women's Rights to Property (Bengal Extension to Agricultural Land) Act, 1947.

(2) It extends to the whole of Bengal".

**Mr. PRESIDENT:** Amendment moved that for clauses 1 and 2 of the Bill, the following be substituted, namely:—

"1. (1) This Act may be called the Hindu Women's Rights to Property (Bengal Extension to Agricultural Land) Act, 1947.

(2) It extends to the whole of Bengal".

**Mr. PRESIDENT:** The question before the House is that for clauses 1 and 2 of the Bill, the following be substituted, namely:—

"1. (1) This Act may be called the Hindu Women's Rights to Property (Bengal Extension to Agricultural Land) Act, 1947.

(2) It extends to the whole of Bengal".

The motion was put and agreed to.

**Mr. PRESIDENT:** The question before the House is that clause 1 and 2 as amended stand part of the Bill.

The motion was put and agreed to.

*Clause 3.*

**Mr. PRESIDENT:** Clause 3 stand part of the Bill.

**Mr. LALIT CHANDRA DAS:** I beg to move that for clause 3 of the Bill, the following clauses be substituted, namely:—

"2. The expression 'property' in the Hindu Women's Rights to Property Act, 1947, in its application to Bengal shall include, and shall be deemed always to have included agricultural land, and the provisions of the said Act shall be deemed always to have applied and to apply to agricultural land in Bengal accordingly.

3. Notwithstanding anything contained in section 2 where any person who, but for this Act, would have been entitled to any property has been in possession thereof or has made a transfer thereof, his possession up to the date of the commencement of this Act shall be deemed to be as lawful, and the transfer so made by him shall be deemed to be as valid as if this Act had not been passed."

**Mr. PRESIDENT:** Amendment moved that for clause 3 of the Bill, the following clauses be substituted, namely:—

"2. The expression 'property' in the Hindu Women's Rights to Property Act, 1937, in its application to Bengal shall include, and shall be deemed always to have included agricultural land, and the provisions of the said Act shall be deemed always to have applied and to apply to agricultural land in Bengal accordingly.

3. Notwithstanding anything contained in section 2 where any person who, but for this Act, would have been entitled to any property, has been in possession thereof or has made a transfer thereof, his possession up to the date of the commencement of this Act shall be deemed to be as lawful, and the transfer so made by him shall be deemed to be as valid, as if this Act had not been passed."

**Mr. PRESIDENT:** The question before the House is that for clause 3 of the Bill, the following clauses be substituted, namely:—

"2. The expression 'property' in the Hindu Women's Rights to Property Act, 1937, in its application to Bengal shall include, and shall be deemed always to have included agricultural land, and the provisions of the said Act shall be deemed always to have applied and to apply to agricultural land in Bengal accordingly.

3. Notwithstanding anything contained in section 2 where any person who, but for this Act, would have been entitled to any property, has been in possession thereof or has made a transfer thereof, his possession up to the date of the commencement of this Act shall be deemed to be as lawful, and the transfer so made by him shall be deemed to be as valid, as if this Act had not been passed."

The motion was put and agreed to.

**Mr. PRESIDENT:** The question before the House is that clause 3 as amended stands part of the Bill.

The motion was put and agreed to.

*Long Title and Preamble.*

**Mr. PRESIDENT:** Long Title and Preamble stand part of the Bill.

**Mr. LALIT CHANDRA DAS:** Sir, shall I move both the amendments together one for the Long Title and another for the Preamble?

**Mr. PRESIDENT:** No, you better move them separately.

**Mr. LALIT CHANDRA DAS:** Sir, I beg to move that for the Long Title the following be substituted, namely:—

"A

BILL

*to extend the operation of the Hindu Women's Rights to Property Act, 1937, to agricultural land in Bengal.*"

**Mr. PRESIDENT:** Amendment moved that for the Long Title, the following be substituted, namely:—

"A

BILL

*to extend the operation of the Hindu Women's Rights to Property Act, 1937, to agricultural land in Bengal.*"

**Mr. PRESIDENT:** The question before the House is that for the Long Title the following be substituted, namely:—

"A

BILL

*to extend the operation of the Hindu Women's Rights to Property Act, 1937, to agricultural lands in Bengal.*"

The motion was put and agreed to.

**Mr. PRESIDENT:** The question before the House is that the Title as amended stands part of the Bill.

The question was put and agreed to.

**Mr. PRESIDENT:** The Preamble stands part of the Bill, Mr. Das.

**Mr. LALIT CHANDRA DAS:** Sir, I beg to move that for the Preamble to the Bill, the following be substituted, namely:—

"Whereas the Hindu Women's Rights to Property Act, 1937, purported to give better rights to women in respect of property in general;

And whereas it has now been established that the said Act does not operate to give women better rights in respect of agricultural land;

And whereas many transactions have already taken place in Bengal on the basis that women had acquired better rights under the said Act in respect of agricultural land as well as other kinds of property;

And whereas it is therefore expedient to extend the operation of the said Act to agricultural land in Bengal with retrospective effect, but with certain savings, for the purpose of giving women better rights under the said Act in respect of agricultural land in Bengal as well as for validating the transactions referred to above and for other purposes;"

**Mr. PRESIDENT:** Amendment moved that for the Preamble to the Bill, the following be substituted, namely:—

"Whereas the Hindu Women's Rights to Property Act, 1937, purported to give better rights to women in respect of property in general;

And whereas it has now been established that the said Act does not operate to give women better rights in respect of agricultural land;

And whereas many transactions have already taken place in Bengal on the basis that women had acquired better rights under the said Act in respect of agricultural land as well as other kinds of property;

And whereas it is therefore expedient to extend the operation of the said Act to agricultural land in Bengal with retrospective effect, but with certain savings, for the purpose of giving women better rights under the said Act in respect of agricultural land in Bengal as well as for validating the transactions referred to above and for other purposes;"

**Mr. PRESIDENT:** The question before the House is that for the Preamble to the Bill, the following be substituted, namely:—

"Whereas the Hindu Women's Rights to Property Act, 1937, purported to give better rights to women in respect of property in general;

And whereas it has now been established that the said Act does not operate to give women better rights in respect of agricultural land;

And whereas many transactions have already taken place in Bengal on the basis that women had acquired better rights under the said Act in respect of agricultural land as well as other kinds of property;

And whereas it is therefore expedient to extend the operation of the said Act to agricultural land in Bengal with retrospective effect, but with certain savings, for the purpose of giving women better rights under the said Act in respect of agricultural land in Bengal as well as for validating the transactions referred to above and for other purposes;"

The question was put and agreed to.

**Mr. PRESIDENT:** The question before the House is that the Preamble as amended stands part of the Bill.

The question was put and agreed to.

**Mr. PRESIDENT:** Third reading. Mr. Nagendra Nath Mahalanobish.

**Mr. LALIT CHANDRA DAS:** May I move the final reading of the Bill?

**Mr. PRESIDENT:** I am afraid you cannot.

**Mr. LALIT CHANDRA DAS:** It has become more or less my Bill. Many changes have been made in the Bill by my amendments. So I think the motion for the adoption of the Bill by the House may be allowed to be moved by me.

**Mr. PRESIDENT:** I am afraid, I cannot allow it.

**Mr. KAMINI KUMAR DUTTA:** May I say something on the subject? As to the first motion, namely as regards the motion for consideration of the Bill, there is an express provision in rule (rule 54) that the President in his discretion may allow another member to move such motion. That is of course with regard to the consideration stage and not the third reading. As regards third reading there is only one section and that is 67. At the initial stage it would appear that the rule primarily was that no motion that a Bill be taken into consideration or be passed shall be made by any member other than the member-in-charge of the Bill, but then there is the proviso that the President may allow another member to move that the Bill be taken into consideration and passed it, of course, there were no amendments. And then comes the third reading and here the rule, rule No. 67, is absolutely silent. Rule 64(2) says "If any amendment be made, any member may object to the passing of the Bill at the same meeting, and such objection shall prevail", etc. That is of course another matter. Now the question is if any one else other than the member-in-charge of the Bill can move that the Bill be passed and on this the rule is silent.

Sir, I would urge that the question as to by whom a Bill is introduced before the House and set in motion, that is laid down in section 54 and the

proviso to that section would prevail throughout the course of a Bill till the final stage and therefore rule 67 is absolutely final. It does not lay down any limitation. Really it is the initial stage at which it is to be considered as to by whom a Bill is to be brought into the House for consideration. But once the Bill has been set in motion it goes on rolling... Section 67 is absolutely silent.

**Mr. PRESIDENT:** Mr. Dutta, there is something in what you say, but you know very well that when there is an express provision in rule 54, namely, the rule which does not allow any person or member to move that a Bill be taken into consideration, other than the member-in-charge of the Bill, except with the President's permission, and when section 67 is silent on the point, the construction should be against such a course.

**Mr. KAMINI KUMAR DUTTA:** May I say one thing? First of all, there was one limitation imposed in rule 54, namely, to the effect that the motion that a Bill be taken into consideration can be moved only by the member-in-charge, and then the proviso concerning the relaxation of that limitation, but that limitation has not been repeated in rule 67. Apparently, therefore, the whole principle of rule 54 extends in this case also, there being no limitation distinctly expressed.

**Mr. PRESIDENT:** The proviso to rule 54 expressly empowers the President to allow another member to move such a motion or that motion may be postponed, but section 67 is absolutely silent.

**Mr. KAMINI KUMAR DUTTA:** But at the same time, Sir, in rule 67 there is no limitation.

**Mr. PRESIDENT:** There is no limitation indeed, but there is an express proviso in respect of rule 54, but no such thing in respect of rule 67. In view of this, I think that the construction should be that the power is not given to the President.

**Mr. KAMINI KUMAR DUTTA:** Sir, the ordinary rule of construction is this that when there is one clause and when there is also a saving clause, both of them are to be read together, and being read together, attempts should be made to give the most consistent interpretation to those rules, and when there is no limitation in rule 67, the proviso to rule 54 will stand and apply to this case.

**Mr. PRESIDENT:** I would like to look up the point very carefully; so it may stand over till the next Bill day. It may be that on that occasion Mr. Mahalanobish will turn up and thus will solve the problem. In the meantime I propose to look up the matter.

**Mr. KAMINI KUMAR DUTTA:** I hope, Sir, you will also give a ruling on this point for future guidance.

**Mr. NUR AHMED:** Sir, I do not move item No. V.

**Mr. PRESIDENT:** Why not withdraw it with the permission of the House?

**Mr. NUR AHMED:** I do not withdraw it, but I do not move it today——

**Mr. PRESIDENT:** You want to keep the Bill alive to be moved later on?

**Mr. NUR AHMED:** Yes.

### The Bengal Land-revenue Sales (Amendment) Bill, 1946.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, today I am not in a position to accept this Bill and I would like to discuss it further with the mover. So I would request the honourable member in charge of the Bill not to move it today.

**Mr. BIREN ROY:** As the Hon'ble Member says that he would consult me further regarding this Bill I will not press it today——

**Mr. PRESIDENT:** You want to keep it alive?

**Mr. BIREN ROY:** Yes, Sir.

## The Bengal Suppression of Immoral Traffic (Amendment) Bill, 1946.

**Mr. NUR AHMED:** I beg to move that the Bengal Suppression of Immoral Traffic (Amendment) Bill, 1946, be taken into consideration.

Sir, this Bill was passed in this House and was sent to the Bengal Legislative Assembly and when this Bill was pending in the Lower House 93 regime came into being and the Assembly was suddenly dissolved. So the Bill lapsed. But this Bill with some modification was enacted as Governor's Act. But as the law stands, Governor's Act will not be in operation for more than two years. For this reason I have reintroduced this Bill in the self-same form as passed in this House. It is a very important Bill which dealt with a social evil which is a curse to the society. The Suppression of Immoral Traffic Act was passed in 1933, but it has remained a dead letter owing to defect in the definition of word "prostitution". This Bill wants to remove these defects and some amendments are essential to make that Act operative and useful. There was wide-spread support for this Bill and agitation was made for this Bill; so hope it will be accepted by the House.

**Mr. PRESIDENT:** Motion, moved that the Bengal Suppression of Immoral Traffic (Amendment) Bill, 1946, be taken into consideration.

The question before the House is that the Bill be taken into consideration.

The motion was put and agreed to.

## Bengal Suppression of Immoral Traffic (Amendment) Bill, 1946.

**Mr. PRESIDENT:** Now, about this Bill time will have to be given for putting in amendments.

**The Hon'ble Mr. MOHAMMED ALI:** Any time you fix, Sir.

**Mr. PRESIDENT:** Then amendments may be put in by 30th May, 1947.

**Mr. NUR AHMED:** Sir, the Bill was passed in this House and it was examined in the Select Committee. So, if so much time is again given for putting in amendments, then it will take another year to pass this Bill.

**Mr. PRESIDENT:** Mr. Ahmed, our ideas have also changed from what they were in 1946. Therefore it is better that some time should be given for putting in amendments.

**Mr. NUR AHMED:** I do not think amendments will be necessary.

**Mr. PRESIDENT:** But time has to be given under the Rules. It is the privilege of the members to put in amendments to a Bill. Therefore a fortnight's time should be given, i.e., up to 23rd May amendments may be put in.

## The Bengal Public Gambling (Amendment) Bill, 1946.

**Mr. NUR AHMED:** Sir, I beg to move that the Bengal Public Gambling (Amendment) Bill, 1946, be taken into consideration. Sir, this Bill was passed in this House and then sent to the other House for concurrence and the Assembly made some amendments and sent back the Bill to the Council with those amendments. When those amendments were being taken into consideration, the Assembly was dissolved and section 93 was introduced,

and so this Bill lapsed. It has been introduced now in the self-same form There is one kind of gambling in the cinema and circuses which is called a skill of the hand. By this Bill it is sought to be made illegal. This Bill wants to bring the definition of "gambling" and "gambling house" up to date. With these words, I commend my motion, for the acceptance of the House.

**Mr. PRESIDENT:** Motion moved that the Bengal Public Gambling (Amendment) Bill, 1946, be taken into consideration.

The question before the House is that the Bengal Public Gambling (Amendment) Bill, 1946, be taken into consideration.

The motion was put and agreed to.

**Mr. PRESIDENT:** I suggest 15 days' time, i.e., up to the 23rd, for putting in amendments.

### The Urban Area Rent Regulation Bill, 1943.

**Mr. NUR AHMED:** Sir, I beg to move for leave of the House to withdraw the Bengal Urban Area Rent Regulation Bill, 1943, as Government has already got passed by the Legislature a similar measure and a more comprehensive measure. So I beg leave of the House to withdraw this non-official Bill of mine.

**Mr. PRESIDENT:** Is it the pleasure of the House to grant leave to Mr. Nur Ahmed to withdraw this Bill?

(There being no objection the Bill was, by leave of the House, withdrawn.)

### The Bengal Intoxicant Liquor Sale Regulation Bill, 1942.

**Mr. NUR AHMED:** Sir, before I move the motion I beg to state that Mr. T. B. Nimmo has resigned since I gave notice of this motion and I want to substitute the name of Mr. C. E. Clarke in his place.

**Mr. PRESIDENT:** Have you obtained his permission?

**Mr. NUR AHMED:** I have got his written consent to put his name on any Select Committee.

**Mr. PRESIDENT:** All right.

**Mr. LALIT CHANDRA DAS:** May I put in a formal amendment? One of our members Dr. Kumud Sankar Roy shown as No. (3) of the personnel of the Select Committee for the Bill under reference, is not attending the Council sessions and so in his place we want to put in the name of Mr. Bankim Chandra Dutta.

**Mr. NUR AHMED:** I accept the amendment, Sir, and I have no objection. So I shall now move the motion with the verbal amendments made just now.

I beg to move that the Bengal Intoxicant Liquor Sale Regulation Bill, 1942, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Mohammed Ali, Minister in charge of the Finance Department and the Health and Local Self-Government Department,

(2) Mr. C. E. Clarke,

(3) Mr. Bankim Chandra Dutta,

(4) Mr. Charu Chandra Sanyal,

(5) Mr. Lalit Chandra Das,

(6) Mr. Haridas Mazumdar,

(7) Mr. Chaudhury Moazzem Hossein *alias* Lal Mia,
(8) Mr. Abdul Rashid,
(9) Rai Bahadur Dhirendra Lal Barua,
(10) Khan Sahib Wahiduzzaman, and
(11) the mover,

with instructions to submit their report within five months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

**Mr. PRESIDENT:** Amendment moved that the Bengal Intoxicants Liquor Sale Regulation Bill, 1942, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Mohammed Ali, Minister in charge of the Finance Department and the Health and Local Self-Government Department,
(2) Mr. C. E. Clarke,
(3) Mr. Bankim Chandra Dutta,
(4) Mr. Charu Chandra Sanyal,
(5) Mr. Lalit Chandra Das,
(6) Mr. Haridas Mazumdar,
(7) Mr. Chaudhury Moazzem Hossein *alias* Lal Mia,
(8) Mr. Abdul Rashid,
(9) Rai Bahadur Dhirendra Lal Barua,
(10) Khan Sahib Wahiduzzaman, and
(11) the mover,

with instructions to submit their report within five months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The question before the House is that the Bengal Intoxicant Liquor Sale Regulation Bill, 1942, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Mohammed Ali, Minister in charge of the Finance Department and the Health and Local Self-Government Department,
(2) Mr. C. E. Clarke,
(3) Mr. Bankim Chandra Dutta,
(4) Mr. Charu Chandra Sanyal,
(5) Mr. Lalit Chandra Das,
(6) Mr. Haridas Mazumdar,
(7) Mr. Chaudhury Moazzem Hossein *alias* Lal Mia,
(8) Mr. Abdul Rashid,
(9) Rai Bahadur Dhirendra Lal Barua,
(10) Khan Sahib Wahiduzzaman, and
(11) the mover,

with instructions to submit their report within five months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The question was put and agreed to.

## The Bengal Famine Insurance Fund (Amendment) Bill, 1943.

**Mr. NUR AHMED:** Sir, before I move my motion, I would, with your permission, substitute the name of Mr. C. E. Clarke in place of Mr. Nimmo.

**Mr. PRESIDENT:** All right.

**Mr. NUR AHMED:** I beg to move that the Bengal Famine Insurance Fund (Amendment) Bill, 1943, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. A. F. M. Abdur Rahman, Minister-in-charge of the Department of Co-operation, Credit and Relief,

(2) Mr. C. E. Clarke,

(3) Mr. Lalit Chandra Das,

(4) Dr. Kumud Sankar Roy,

(5) Mr. Bankim Chandra Dutta,

(6) Mr. Haridas Majumdar,

(7) Khan Bahadur Syed Abdur Rashid Chowdhury,

(8) Mr. Ghyasuddin Pathan,

(9) Mr. A. M. Shahoodul Haque,

(10) Mr. Chowdhury Moazzem Hossein *alias* Lal Mia, and

(11) the mover,

with instructions to submit their report within five months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

**Mr. LALIT CHANDRA DAS:** Sir, may I move a short-notice formal amendment, namely, that in place of Dr. K. S. Roy, the name of Mr. Charu Chandra Sanyal be substituted?

**Mr. PRESIDENT:** Yes.

**Mr. NUR AHMED:** I have no objection to this amendment.

**Mr. PRESIDENT:** Motion moved that the Bengal Famine Insurance Fund (Amendment) Bill, 1943, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. A. F. M. Abdur Rahman, Minister in charge of Department of Co-operation, Credit and Relief,

(2) Mr. C. E. Clarke,

(3) Mr. Lalit Chandra Das,

(4) Mr. Charu Chandra Sanyal,

(5) Mr. Bankim Chandra Dutta,

(6) Mr. Haridas Mazumdar,

(7) Mr. Khan Bahadur Syed Abdur Rashid Chaudhury,

(8) Khan Bahadur Ghyasuddin Pathan,

(9) Khan Bahadur A. M. Shahoodul Haque,

(10) Mr. Chaudhury Moazzem Hossein *alias* Lal Mia, and

(11) the mover,

with instructions to submit their report within five months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

**The Bengal Borstal Schools (Amendment) Bill, 1942.**

**Mr. PRESIDENT:** Motion moved that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Fazlur Rahman, Minister in charge of the Home (Jails) Department,
(2) Mr. C. A. Clarke,
(3) Rai Bahadur Brojendra Mohan Maitra,
(4) Mr. Charu Chandra Sanyal,
(5) Mr. Satish Chandra Jana,
(6) Rai Bahadur Jogendra Nath Roy,
(7) Khan Bahadur Syed Abdur Rasid Choudhury,
(8) Mr. Sayed Fazle Rabbi Chowdhury,
(9) Mr. Haji Md. Yusuf,
(10) Mr. Latafat Hossain, and
(11) the mover,

with instructions to submit their report within seven months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The question before the House is that the Bill be referred to a Select Committee consisting of—

The question before the House is that Bengal Famine Insurance Fund (Amendment) Bill, 1943, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. A. F. M. Abdur Rahman, Minister in charge of the Department of Co-operation, Credit and Relief,
(2) Mr. C. E. Clarke,
(3) Mr. Lalit Chandra Das,
(4) Mr. Charu Chandra Sanyal,
(5) Mr. Bankim Chandra Dutta,
(6) Mr. Haridas Mazumdar,
(7) Khan Bahadur Syed Abdur Rashid Chowdhury,
(8) Khan Bahadur Ghyasuddin Pathan,
(9) Mr. A. M. Shahoodul Haque,
(10) Mr. Chaudhury Moazzem Hossein *alias* Lal Mia, and
(11) the mover,

with instructions to submit their report within five months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The question was put and agreed to.

**The Bengal Borstal Schools (Amendment) Bill, 1942.**

**Mr. NUR AHMED:** Before I move my motion I would with your permission like to substitute the present Minister in charge of Prisons, Mr. Fazlur Rahman, in place of the Hon'ble Mr. Suhrawardy who was the Minister-in-charge when I gave notice of this motion.

I would also like with your permission to substitute the name of Mr. Clarke in place of Mr. Nimoo.

I accordingly beg to move that the Bill be referred to a Select Committe consisting of—

(1) The Hon'ble Mr. Fazlur Rahman, Minister in charge of the Jail Department,

(2) Mr. C. E. Clarke,

(3) Dr. Kumud Sankar Roy,

(4) Mr. Charu Chandra Sanyal,

(5) Mr. Satish Chandra Jana,

(6) Rai Bahadur Jogendra Nath Ray,

(7) Khan Bahadur Syed Abdur Rasid Choudhury,

(8) Mr. Sayed Fazle Rabbi Chowdhury,

(9) Mr. Haji Md. Yusuf,

(10) Mr. Latafat Hossain, and

(11) the mover,

with instructions to submit their report within seven months from the dat of reference and that the number of members whose presence shall b necessary to constitute a quorum shall be four.

**Mr. LALIT CHANDRA DAS:** May I move a short-notice amendment Sir? It is this: that in place of Dr. Kumud Sankar Roy, the name o Rai Bahadur Brojendra Mohan Maitra be substituted.

**Mr. NUR AHMED:** I have no objection.

(1) The Hon'ble Mr. Fazlur Rahman, Minister in charge of the Hom (Jails) Department,

(2) Mr. C. A. Clarke,

(3) Rai Bahadur Brojendra Mohan Maitra,

(4) Mr. Charu Chandra Sanyal,

(5) Mr. Satish Chandra Jana,

(6) Rai Bahadur Jogendra Nath Roy,

(7) Khan Bahadur Syed Abdur Rasid Choudhury,

(8) Mr. Sayed Fazle Rabbi Chowdhury,

(9) Mr. Haji Md. Yusuf,

(10) Mr. Latafat Hossain, and

(11) the mover,

with instructions to submit their report within seven months from the dat of reference and that the number of members whose presence shall b necessary to constitute a quorum shall be four.

The motion was put and agreed to.

### The Court-fees Bengal (Amendment) Bill, 1941.

**Mr. NUR AHMED:** I beg to move that the Bill be referred to a Selec Committee consisting of—

(1) The Hon'ble Mr——

**Mr. ABDUL RASHID:** On a point of order, Sir. There is a mistak in the motion. The Minister-in-charge should be Mr. Fazlur Rahman.

**Mr. PRESIDENT:** The mover may amend it.

**Mr. NUR AHMED:** Sir, with your permission the name of the Minister-in-charge be changed. The Hon'ble Mr. Fazlur Rahman's name be substituted in place of Mr. Nagendra Narayan Roy, as the portfolio has since been changed.

**Mr. PRESIDENT:** Yes.

**Mr. NUR AHMED:** I beg to move that the Bill be referred to a Select Committee considering of—

(1) The Hon'ble Mr. Fazlur Rahman, Minister-in-charge of Land Revenue,
(2) Mr. C. E. Clarke,
(3) Mr. Lalit Chandra Das,
(4) Mr. Bankim Chandra Dutta,
(5) Mr. Satish Chandra Jana,
(6) Mr. Haridas Mazumdar,
(7) Khan Bahadur Mukhlesur Rahman,
(8) Mr. Abdulla-al-Mahmud,
(9) Mr. Md. Taufiq,
(10) Mr. Chaudhury Moazzem Hossein *alias* Lal Mia, and
(11) the mover,

with instructions to submit their report within six months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

**Mr. PRESIDENT:** Motion moved that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Fazlur Rahman, Minister-in-charge of Land Revenue,
(2) Mr. C. E. Clarke,
(3) Mr. Lalit Chandra Das,
(4) Mr. Bankim Chandra Dutta,
(5) Mr. Satish Chandra Jana,
(6) Mr. Haridas Mazumdar,
(7) Khan Bahadur Mukhlesur Rahman,
(8) Mr. Abdulla-al-Mahmud,
(9) Mr. Md. Taufiq,
(10) Mr. Chaudhury Moazzem Hossein *alias* Lal Mia, and
(11) the mover,

with instructions to submit their report within six months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The question before the House is that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Fazlur Rahman. Minister-in-charge of Land Revenue,
(2) Mr. C. E. Clarke,
(3) Mr. Lalit Chandra Das.
(4) Mr. Bankim Chandra Dutta,
(5) Mr. Satish Chandra Jana,
(6) Mr. Haridas Mazumdar,
(7) Khan Bahadur Mukhlesur Rahman,
(8) Mr. Abdulla-al-Mahmud,
(9) Mr. Md. Taufiq,

(10) Mr. Chaudhury Moazzem Hossein *alias* Lal Mia; and

(11) the mover,

with instructions to submit their report within six months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The motion was put and agreed to.

**Mr. NUR AHMED:** Sir, I do not move items Nos. 15, 16 and 17 as a comprehensive Bill under the same caption has been introduced in this House. I beg leave of the House to withdraw.

The Bills were then by leave of the House withdrawn.

### The Indian Fisheries (Bengal Amendment) Bill, 1947.

**Mr. NUR AHMED:** Sir, as a similar Bill has been brought in this House by Government for the conservation and protection of fisheries, I withdraw my Bill.

**Mr. PRESIDENT:** Leave has been asked by Mr. Nur Ahmed to withdraw the Indian Fisheries (Bengal Amendment) Bill, 1943; is it the pleasure of the House to grant him the leave?

(Voice of "yes", "yes".)

The Bill was then by leave of the House withdrawn.

### The Bengal Urban Poor and Unemployed Relief Bill, 1947.

**Mr. NUR AHMED:** Sir, I beg to move that the Bengal Urban Poor and Unemployed Relief Bill, 1947, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1947.

**Mr. PRESIDENT:** Motion moved that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1947.

The question before the House is that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1947.

The motion was put and agreed to.

### The Bengal Municipal (Amendment) Bill, 1946.

**Mr. NUR AHMED:** Sir, I beg leave to introduce the Bengal Municipal (Amendment) Bill, 1946.

**Mr. PRESIDENT:** The question before the House is that leave be granted to Mr. Nur Ahmed to introduce the Bill.

(There being no objection.)

The Bill is introduced.

**The SECRETARY:** (Dr. S. K. D. Gupta) then read the short title of the Bill.

**Mr. PRESIDENT:** The House stands adjourned till 1-30 p.m. on Monday, the 12th May, 1947.

### Adjournment.

The Council then adjourned till 1-30 p.m. on Monday, the 12th May 1947.

**Members absent.**

The following members were absent from the meeting held on the 9th May, 1947:—

(1) Mr. Sultanuddin Ahmed.
(2) Mr. L. P. S. Bourne.
(3) Khan Bahadur Syed Abdur Rasid Chowdhury.
(4) Mr. Abdul Hamid Chowdhury.
(5) Mr. C. E. Clarke.
(6) Mr. D. J. Cohen, O.B.E.
(7) Mr. Hemendra Kumar Das.
(8) Mr. Eric Dermot Doyne.
(9) Khan Bahadur Sheikh Fazal Ellahi.
(10) The Hon'ble Mr. Abdul Gofran.
(11) Mr. Mungturam Jaipuria.
(12) Alhadj Khan Bahadur Sheikh Mahammad Jan.
(13) Mr. Satish Chandra Jana.
(14) Mr. Humayun Z. A. Kabir.
(15) Mr. Abdul Latiff.
(16) Mr. Syed Abdul Majid.
(17) Mr. Nagendra Nath Moholanabish.
(18) Mr. George Morgan, C.I.E.
(19) Mr. A. McLaren.
(20) Khan Bahadur Mukhlesur Rahman.
(21) Dr. Kumud Sankar Ray.
(22) Dr. Kasiruddin Talukdar.
(23) Mr. Md. Taufiq.



WBGP-48/9-1066A-750

# BENGAL LEGISLATIVE COUNCIL DEBATES

## First Session, 1947—No. 43.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 12th May, 1947, at 1-30 p.m., being the 43rd day of the First Session of 1947, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

### The Bengal Acquisition of Waste Land Bill, 1947.

**Mr. KAMINI KUMAR DUTTA:** Sir, I am going to mention a matter on behalf of our party and in this, I can say, Sir, that I voice the opinion of some of the members of the other parties too. We are still having our sittings and we are continuing with the Bengal Acquisition of Waste Land Bill, 1947. I have carefully gone through all the amendments, and I think, taking a very optimistic view of the whole matter, even if the hours of the sitting of the House were increased, that there is the least chance of completing this Bill within even a period of two months. I say two months, Sir, granting that the sitting hours of the House will be doubled. If the sitting hours of the House are doubled, whether it will be acceptable to the House or not is a different matter altogether,—but assuming that the sittings continue as at present, at the rate of two hours a day, I think on a most moderate estimate, it will take at least four months to finish the Bill in this House.

**Mr. HAMIDUL HUQ CHOWDHURY:** That would be taken at any time.

**Mr. KAMINI KUMAR DATTA:** My friend says that period would be taken at any time. The whole thing depends upon the spirit in which we conduct the deliberations on the Bill. We are still on clause 2 of the Bill. The recent announcement says that something important would happen by the 2nd June. We are living in a critical time in the history of this country. The whole thing depends on the rapprochement between the two parties. We hope that, by the 2nd June, some settlement would be arrived at. The two parties are still differing from each other and there has been no mutual agreement in all the discussions and talks that took place between the two parties and as such one trembles to think what would happen in the country if India would not acquiesce in the decision given by His Majesty's Government. The question of passing a Bill at this stage is not important when there is the greater question of a decision by His Majesty's Government on India's future constitution that is expected to be announced by the 2nd June, and it is only a waste of time to further proceed with this Bill. After the announcement by His Majesty's Government a better spirit is expected to come when the parties will think of coalition and in an accommodating spirit the Bill could be passed in a much shorter time. Is it the proper time for us, Sir, to go on with legislation when there is no trust between each other and when indeed many of the amendments which have been tabled, why, all the amendments would be moved and the time of the House will be taken in discussing each and every amendment. But when an accommodating spirit would come in a matter which would take two months to finish may be finished within a fortnight. So I would appeal to the Hon'ble Minister, I would appeal to the members on the other side with this suggestion that this is not the time when we should continue a

Bill of a character like this over which there is some feeling. And when we find there is a gesture from the Chief Minister for a rapprochement with the Hindus for an amicable settlement in Bengal, is it the time to debate a Bill like this? Rather I would expect that an implementation of that assurance of that gesture would be indicated by actual action.

This is not the time for continuing a Bill of this particular character over which every one knows there is a very strong feeling on this side of the House, and when the other House has been prorogued we are feeling rather lonely. It may perhaps be thought that hereby we shall be given an opportunity for extending the hours of sitting of this House, but, Sir, if one is really intent upon taking time no amount of extension of hours will help in the least. I would therefore again repeat my appeal as well as my question as to whether the Ministry cannot now agree to the adjournment of the House.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, the Hon'ble Minister in charge of the Bill is unfortunately not present in the House. So, I do not think I should assume to myself the responsibility of making any commitment in this matter, but I can say this much that if the Bill will take about two months if continued under present circumstances, but that if the House is prorogued now and meets after two months and takes up the Bill again, if in that case the Leader of the Opposition is prepared to give an undertaking that after re-assembly in the next session the Bill can be taken up and disposed of within a fortnight then certainly Government will seriously consider the question of prorogation of this House so that when we meet next we shall meet with the prospect of getting the Bill passed in fourteen days' time. If he is prepared to give that definite assurance, then certainly we are prepared to agree or to accede to the request of the Leader of the Opposition.

Secondly, so far as the question of constitutional changes being likely to take place is concerned, we do not know what the future holds for us. The Leader of the Opposition has made certain references to what might happen if the declaration of His Majesty's Government does not satisfy all the parties or elements in the country. But, Sir, we cannot go on the basis of hypothesis and simply because there are impending constitutional changes we cannot allow matters to stagnate in this province. We have got to go forward, take up progressive schemes. So in that view of the matter and on the basis of the hypothesis that there may be constitutional changes in the country we cannot allow legislation to come to a standstill. That is of course a matter on which we may differ, but so far as this particular question of the prorogation or adjournment of the House is concerned, Government will seriously consider this question, provided the Leader of the Opposition is sure that when we meet at the next session we shall be able to dispose of this particular Bill within a fortnight, as he has hinted.

**Mr. KAMINI KUMAR DUTTA:** The Hon'ble Minister has asked an assurance from the Leader of the Opposition. Sir, I have already indicated my idea of the thing. The whole thing will really depend upon the state of things in the country after two months. Sir, the Hon'ble Minister wants an assurance from me whether if the House is adjourned now for two months, the Bill can be brought forward and finished within a fortnight. Sir, to that my reply is that the Bill can be finished within half the time if both communities in this country could come to an amicable understanding; if there is a rapprochement one can well say, why I? but the Government or the Hon'ble Minister in charge would be able to say that he would expect the Bill to be expedited as soon as possible, and if good feelings prevail I do not think it will be at all impossible to dispose of the Bill in course of a fortnight. If, however, the situation becomes unhappy, it will take 15 months instead of 15 days. Sir, the whole thing will depend on the state of things which will prevail after the next two months.

It has been said that law-making should go on irrespective of the situation in the country. Sir, I cannot accept that statement. Sir, the constitutional change which is going to take place is not of an ordinary character. It is a change of a vital character and a good deal will depend as to our mutual relationships upon the shape that the change takes.

If that change comes in a happy mood and if it is accepted in a happy mood the whole Bengal would be in a happier mood, and then why this Bill only, any Bills will be passed with the mutual collaboration of both the parties in the shortest possible time. So I think my statement would be taken in a true spirit. The Hon'ble Minister wants an assurance from me, but I may say that neither my party nor myself can give him any assurance. But I can indicate the trend of my party that if the solution of the present problem is happier it will be accepted in a happier mood. On the basis of the present circumstances a *status quo* cannot be made. It would either be happier or worse. If it is happier then by mutual co-operation it would be very easy to pass the Bill; but if it would be worse it would be impossible to give any forecast.

**The Hon'ble Mr. MOHAMMED ALI:** Sir, so far as the change about which the honourable Leader of the Opposition has spoken, if it is worse we also dread to think what would be the consequence and we sincerely hope that we would be spared facing that situation. So far as the situation improving is concerned, no assurance from the Leader of the Opposition is necessary, we know that the work would go on in harmony and by mutual good will and in that case probably not one Bill but 100 Bill could be passed in one day. So assurance about such situation is not necessary. But assuming this state of affairs continues, is the Leader of the Opposition prepared to give a guarantee that he would see to the disposal of this Bill within 14 days, if the House is adjourned now?

**Mr. KAMINI KUMAR DUTTA:** I think that the Hon'ble Minister is expecting too much from me. How can we give him any assurance? Only let us hope that things would come to a happier turn.

**The Hon'ble Mr. MOHAMMED ALI:** There are three possibilities. First, the situation improving and prevailing good relationship for which we all pray. Secondly, situation worsening and, thirdly, the present state of affairs continuing. So far as the first two are concerned we do not want any assurance. It is in the third contingency—that is if the present state of affairs continues, then in that case will he be prepared to get through the Bill within 14 days? I do not want any assurance so far as one and two are concerned.

**Mr. KAMINI KUMAR DUTTA:** I can assure the Hon'ble Minister of one thing and that is that before I made my statement whatever I stated I have said in consultation with my party and I have said that with utmost frankness. Of course about one thing, namely, about the *status quo*, we are of opinion that we do believe that the solution would either be happier or it would be worse. So what I want to say is this that when a change is coming very soon, not at a very distant date, what is the good of hastening the Bill like this—and a Bill of such an important consequence. The continuance of the discussion of this Bill would only accentuate the bitter feeling of the Opposition.

**The Hon'ble Mr. FAZLUR RAHMAN:** You said that the Bill can be passed within 14 days if the House is adjourned now?

**Mr. KAMINI KUMAR DUTTA:** If the solution of the problem is happier and happy things come, a Bill like this would be expected to be passed in less than a fortnight. But it all depends on the shape which the events of the country are going to mould. But I can say without hesitation that it would either be happy or it would be unhappy, the *status quo* cannot continue.

## The Thika Tenancy Bill.

**The Hon'ble Mr. FAZLUR RAHMAN:** Sir, I beg to present the report of the Thika Tenancy Bill, 1947.

**Mr. PRESIDENT:** Yes, that was the first item on the agenda but as you were absent in the beginning we passed over that item. However, now what about the question of continuing this Bill?

**The Hon'ble Mr. FAZLUR RAHMAN:** With regard to the question of this Bill, what I find is that the session has sat long and the Opposition is not in a mood to allow the business of the House to be conducted with expedition. Mr. Nahar the other day said that they would be obstructing the passage of the Bill and he also said that they would see that the Bill did not make any progress. If that be the spirit of the Opposition then we would have to meet that contingency and in that case we would have to amend the present procedure so that we may proceed with the Government business uninterruptedly. In view of the attitude of the Opposition we would have to and we would be justified in introducing the guillotine procedure. We would have to introduce those rules in the form of a Bill. This is one aspect of the question.

On the other hand, I understand the Leader of the Opposition is expressing a hope that perhaps in certain circumstances, it may be possible to finish the Bill within a fortnight's time if the House adjourns now. In view of these things, the Government does not propose to proceed with the Bill further this session and we would request you to adjourn the House *sine die*.

**Mr. HAMIDUL HUQ CHOWDHURY:** Sir, before you adjourn the House I would like to say a few words on this question.

**Mr. LALIT CHANDRA DAS:** How can you?

**Mr. PRESIDENT:** But there is no motion before the House

**Mr. HAMIDUL HUQ CHOWDHURY:** Sir, I would express the views of this side as regards the prorogation of the House without disposing of the present Bill.

**Mr. PRESIDENT:** I understand, Mr. Hamidul Huq Chowdhury, that the Hon'ble Minister represents the views of your party.

**Mr. HAMIDUL HUQ CHOWDHURY:** This is my own view.

**Mr. PRESIDENT:** Your personal views? All right.

**Mr. HAMIDUL HUQ CHOWDHURY:** Sir, I cannot understand the present attitude of the Opposition or of the Government. It was not understood for a long time that the Bill was of a very controversial nature but it was considered to be of a very controversial nature because it attacked the vested interests——(Mr. LALIT CHANDRA DAS: Address the Chair and not us.) I am addressing Mr. President but speaking to the House, and it is a well-established convention to do so——

**Mr. PRESIDENT:** What is it, I cannot follow you.

**Mr. HAMIDUL HUQ CHOWDHURY:** Sir, on the question of the present attitude of the Opposition, when they gave notice of so many amendments it was quite well understood that the Bill was controversial not because there was any communal cleavage in the Bill but because it attacked certain vested interests and this question will always be there. Owners of the properties will oppose the Bill tooth and nail whether the Bill is taken up today or tomorrow. The Leader of the Opposition has very rightly put it squarely——

**Mr. PRESIDENT:** Order, order. Mr. Hamidul Huq Chowdhury, I am very sorry to interrupt you but you are going into the merits of the case.

**Mr. HAMIDUL HUQ CHOWDHURY:** That is what has been said.

**Mr. PRESIDENT:** No, no.

**Mr. HAMIDUL HUQ CHOWDHURY:** Because we have wasted a good deal of public money and a good deal of our time in proceeding with the Bill in the hope that it would be finished but stopping it like this after reaching a certain stage in the progress of the Bill——

**Mr. PRESIDENT:** I believe, Mr. Chowdhury, it is not a waste because we have made some progress with the Bill.

**Mr. HAMIDUL HUQ CHOWDHURY:** But, Sir, everything will lapse if the House is prorogued.

**Mr. PRESIDENT:** Not the Bill; only notice of the amendments will lapse; the Bill will remain.

**Mr. HAMIDUL HUQ CHOWDHURY:** No clause has been passed and after the prorogation of the House——

**Mr. PRESIDENT:** The Bill will not lapse. The Bill has been introduced and the consideration motion has been accepted by the House. The Bill will stand where it is except that the amendments to the clauses of the Bill will have to be repeated giving fresh notice as the notices of amendments already given will lapse with the prorogation of the House. If the honourable members want to repeat the amendments they will have to give fresh notice. That is the position.

**Mr. LALIT CHANDRA DAS:** I think we shall not have to recast our amendments or give them afresh because the House will be only adjourned and not prorogued and therefore these amendments will continue to have force because it will be an adjournment *sine die*.

**Mr. PRESIDENT:** But if it is prorogation the notices of amendments will lapse.

**Mr. LALIT CHANDRA DAS:** That is a different thing. Now the suggestion of the Hon'ble Minister in charge of the Bill before the House and to the Chair is only to adjourn the House *sine die*.

**The Hon'ble Mr. FAZLUR RAHMAN:** Let me take the House into my confidence and say that I have not got the prorogation order of the Governor with me today. Therefore I am requesting the Chair to adjourn the House *sine die* and as soon as the prorogation order is received the House will stand prorogued by a notification of the order in the Gazette.

**Mr. PRESIDENT:** I appreciate the Hon'ble Minister's point. Otherwise if the House is adjourned *sine die* and if the Governor's order of prorogation is not obtained and notified in the Gazette it will lead to some complications.

So in view of the statement made by the Hon'ble Minister and by the Hon'ble the Leader of the Opposition I think the best course would be to adjourn the House *sine die*.

The House now stands adjourned *sine die*.

### Adjournment.

The House then adjourned *sine die*.

**Members absent.**

The following members were absent from the meeting held on the 12th May, 1947:—

(1) Mr. Sultanuddin Ahmed.
(2) Mr. L. P. S. Bourne.
(3) Khan Bahadur Syed Abdur Rasid Chowdhury.
(4) Mr. Abdul Hamid Chowdhury.
(5) Mr. Syed Fazle Rabbi Chowdhury.
(6) Mr. Yusuf Ali Chowdhury.
(7) Mr. C. E. Clarke.
(8) Mr. Hemendra Kumar Das.
(9) Mr. Eric Dermot Doyne.
(10) Khan Bahadur Shaikh Fazal Ellahi.
(11) The Hon'ble Mr. Abdul Gofran.
(12) Mr. Gerald Joseph Kuman Hook.
(13) Mr. Mungturam Jaipuria.
(14) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(15) Mr. Satish Chandra Jana.
(16) Mr. Humayun Z. A. Kabir.
(17) Alhadj Yar Ali Khan.
(18) Mr. Syed Abdul Majid.
(19) Mr. Nagendra Nath Moholanabish.
(20) Mr. George Morgan, C.I.E.
(21) Khan Bahadur Mukhlesur Rahman.
(22) Dr. Kumud Sankar Ray.
(23) Miss Ethel Robertson, C.S.P.
(24) Mr. Md. Taufiq.
(25) Haji Md. Yusuf.

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